

THE WHOLE
PROCEEDINGS
AGAINST
ROBERT
EARL OF *R. Harley*
OXFORD,
AND EARL
MORTIMER.

CONTAINING,

- I. A View of His Conduct after the Death of the Queen.
- II. Speeches in the House of LORDS for Impeaching Him.
- III. His Lordship's Speeches in Defence of Himself.
- IV. The Articles of Impeachment against Him, and His Lordship's Answer thereunto.
- V. The Replication of the Honourable House of COMMONS to His Lordship's Answer.
- VI. The Debates in both Houses of Parliament relating to this Case, and the Cases of all the Impeach'd Lords.

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The Whole Proceedings in Parliament against Robert Earl of Oxford, and Earl Mortimer.

HAVING from the Beginning of this *Process* against the Earl of *Oxford* and Earl *Mortimer*, made a Collection of all proper Materials for such a Work, as well from private *Authorities*, as from the publick *Prints* and *Debates* in Parliament, I now Publish it, that the Reader may at one View have a clear Light of all the Proceedings in this Case, and be thereby the better able to form a good Judgment of them.

The Conduct of this *Earl* both before and since the Death of the Queen has made him so many Enemies, that few will read such a Treatise with that Candour and Impartiality, which a Matter of so great Importance requires. I have not to blacken him, misrepresented any of the Facts, nor gloss'd them over to flatter him. He is not now in Circumstances to tempt *Flattery*. or provoke *Rage*. He is a Prisoner for High Treason, and drawing to the Day of his Tryal, and perhaps of his Death. To insult a Man in that Condition has too much Inhumanity in it, and not to do Justice to Truth, and the Constitution, too much of Treachery and Baseness. This must be said, that after His Majesty King *George's* Happy Accession to the Throne, when he re-

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tir'd to his House at *Brampton-Bryan* in *Herefordshire*, he liv'd as a Person, who rather expected *Rewards* for his Glorious and Happy Administration, than *Punishment* for his Destructive and Treasonable Counsels. That he made a *Fest* of the Reports of his *Impeachment*, is known to all that know him, and is evident from this Story.

A Gentleman who had some Acquaintance with his Son-in-Law *Duplin*, one of his *Dozen* Lords, call'd upon him at *Brampton*, where he then was: This Gentleman had a Friend with him, and they were entertain'd as handsomely as a *Creditor* might expect. At Dinner the Earl of *Oxford* appear'd, and affected to be in as good Humour as if he had had the *Staff* still. When they had din'd, he put it to the Gentleman and his Friend to give him their *Toasts*, which they did very Frankly and Loyally the King's and their *Royal Highnesses*; upon which an antient *Briton* who was in the Company, and perhaps in the *Secret*, when it came to his turn, *Toasted* the *Peace*, *Hold*, cries Earl *Oxford* and *Mortimer*, *I beg your Pardon for that, some Body may be Hang'd for that Peace for ought we know.*

If he had imagin'd, that to give up *Spain* to the Duke of *Anjou*; our *Trade* to *France*; the *Catalans* to be Massacr'd, and our *Allies* to be Ruin'd had been *Treason*, he could not sure have been Merry with what he had done himself, and what he deserv'd to suffer. This Insensibility of his Guilt and Circumstances is an infallible Proof of the *Poverty* of his *Genius*, and that whatever has been said of his *Learning* and *Capacity*, the one is nothing but *Pedantry*, and the other nothing but *Trick*: That he did his Business more by the *Folly* of others, than by his own *Wisdom*. And that it would have been an indelible Blot on the Character of our Nation, if we had not found out, *Convicted* and *Punish'd* a Criminal, whose Crimes had no *Art* to conceal, nor *Colour* to disguise them. I am now to tell in what manner the Nation proceeded to *Convict* him, and shall

shall I doubt not hereafter treat also of his *Conviction* and *Punishment*.

The *Faction*, who never wanted Impudence on any Occasion, out did themselves in this, and dar'd the *Government* by it to call their Leaders to an Account; nay, some cautious Creatures, who to preserve or acquire the Reputation of *Wise*, never believe any thing 'till 'tis done, though they wish'd that Justice might overtake the Guilty, yet they did not see how Ministers could offend by obeying Orders, in which case they must be infallible; for what Offence can they give, who are sure of having all their Actions approv'd by a weak Prince, whom they advise and betray? But notwithstanding the great Assurance and Insolence of the *Disaffected* Party, as soon as his Majesty's Speech at the Opening of this present Parliament was made Publick, and his Enemies were charg'd in it with *open and secret Practices against the Protestant Succession*, then did people begin to imagine, that the Nation would not suffer the Traytors who had been guilty of those *Practices* to go off with *Impunity*; but when they saw the Addresses of the *Lords* and *Commons*, they were convinc'd that the Legislature would take Cognizance of their *Crimes*, and bring the *Criminals* to Condign Punishment.

I shall take no farther Notice of those Addresses, than as they have Relation to the Treason of the late Ministers, and to those who attack'd or defended them.

There is a Paragraph in the *Lord's* Address of Thanks to His Majesty for his most Gracious Speech, which would have alarm'd the *Faction* with a Vengeance, had not they been so accusom'd to wicked Actions, that they had lost all Sense of the Guilt of them, and consequently all fear of Punishment. This Paragraph occasion'd a great Debate, it being the first Step that was taken by the Legislative Authority to call the late Managers to Account, it containing these Expressions; *And recover the Re-*

putation of the Kingdom in Foreign Parts, the Loss of which we hope to convince the World by our Actions, is by no means to be imputed to the Nation in general. The Lord T——r, the late Viscount Bolingbroke, the Earl of St——d, the Dukes of B——m and Sh——y, the Earl of A——y, the Earl of Ab——n, the Earl of R——r, the Arch-Bishop of York, the Bishops of L——n and B——l, and some other Peers excepted against that Clause, alledging, That the same was injurious to the late Queen's Memory, and even clashing with that part of His Majesty's Speech, which recommended to both Houses the avoiding the unhappy Divisions of Parties.

The Memory of the late Queen has not been injur'd by any Party, so much as by those who would charge it with the whole Management of the late scandalous Peace, independant of her Ministry; for if they did not advise her to it, she must be her own Counsellor, if they did, they are accountable as Evil Counsellors. The Question then will be only, whether the giving up Spain to France, the ruining our Commerce, the abandoning our Allies, and particularly the brave Catalans, the Breach of several Treaties, and the Diminution of our Honour and Safety, all which is Self-evident from the Tenour and Effects of the late Peace, be Matters worthy the Cognizance of National Justice, which is a Question that will not admit of Controversy among Men that have their Senses about them. The Lord T——r in this Debate took Notice, that the House should be careful how they reflected on the Honour of so many Noble Lords as were concern'd in the late Ministry. The Marquess of Wharton in his Answer to it said, That Noble Lord was highly concern'd for the Honour of those Lords, his own being so Young and Tender. The late Lord Bolingbroke being present when this Debate was in the House, and thinking himself touch'd by the above-mention'd Expressions, made a long Speech against them, wherein he express'd; 'The heartiest and deepest Concern for the
' Memory

Memory of the late Queen his most Excellent Mistress, which he said he would do all in his Power to vindicate, that he had the Honour to be one of her Servants, and if he had done any thing amiss he would be contented to be punish'd for it, but thought it very hard to be censur'd and condemn'd without being heard". The Quondam Viscount soon shew'd, that he did not mean what he said, and if one were to judge of his Zeal for his excellent Mistress by his being contented to be punish'd, his sudden Flight afterwards would teach us, that he had no more concern for the Queen's Honour, than he had for his own, which he sacrific'd to his Avarice and Lust. That his Lips contradicted his Heart, may be seen by what he added at the same time of His Majesty King George, who he said, *Had several times express'd a great Respect and Tenderness for the late Queen's Memory, and was a Prince of so great Wisdom, Equity, and Justice, that he was sure His Majesty would not condemn any Man without hearing what he had to say for himself, and that so august an Assembly ought to imitate so great a Pattern.* After this he mov'd, that the Words *Recover, &c.* might be soften'd into those of, *maintain the Reputation of this Kingdom,* and that the rest of the Paragraph might be left out.

Though this Debate did not particularly reflect on the Earl of Oxford, yet he being the principal of all the late Managers, it has especial Relation to him, as that which prepar'd the way for his Impeachment, and therefore it is that I speak of it so largely.

The Earl of St——d seconded the late Viscount Bolingbroke, and who can blame the Plenipotentiary that manag'd the Peace, for doing it as much Honour as he could, for every Man is not a Cicero, nor a Tacitus. His exception against it was, because it would expose the Honour of the Nation Abroad, which he was sure had suffer'd no Diminution during his Negotiations. Put that Question to all the Politicians in

in *Europe*, even to *Torcy* himself, and ask whether the *British* Nation suffer'd no Diminution of Honour when the Duke of *Ormond* march'd off, and left the Allies to be massacred at *Denain*, not to mention a Hundred other Diminutions of Honour since the Year 1710. The Duke of *Sh——* having been no Stranger to the Negotiations between *England* and *France*, was pleas'd to say, ' That the House of ' *Peers* ought on all Occasions to be most tender of ' the Honour and Dignity of the Crown, from ' which they derive their own Honour and Lustre. ' That therefore when a like Clause was incerted in ' an Address of the House of *Commons* to the late ' Queen upon the Death of King *William*, he had ' exprest to several Members of that House his dislike of it, because it reflected on the Memory of ' that Prince, and for the same Reason he was against this Clause ". These and other Arguments urg'd on the same side were answer'd by the Lord *Cowper*, Lord *Chancellor*, the Duke of *Devonshire*, the Marquis of *Wharton*, the Earl of *Nottingham*, his Brother the Earl of *Aylesford*, and some other *Peers*, who exprest all Respect and Reverence for the late Queen's Memory, rightly distinguishing between Her and Her *Ministry*, and supported the Clause in question by Arguments drawn from the Mismanagements of the latter hinted at in his Majesty's Speech. My Lord *Chancellor* in particular confuted the Objections rais'd by the late Lord *Bolingbroke*, and among other things said, ' They ' did not condemn any particular Person, but only ' the *Peace* in general, because they felt the ill consequences of it ; that they who advis'd and made ' such a Peace, deserv'd indeed to be censur'd, but ' the Words in the Address being general, no private Person was affected by them. And that the ' alteration of the word *Recover* into that of *Maintain*, would signify no more towards the *Justification* of the *Guilty*, that the word *Recover* towards ' the *Condemnation* of the *Innocent* ". Upon the whole

whole of the matter, the Question being put, whether the Address should be recommitted or no ; it was carry'd in the Negative.

Yeas 33.

Noes 66.

And from this time it was generally believ'd that the *Criminals* would be brought to Justice, especially when the Address of the Honourable House of *Commons* was so agreeable in this Respect to the Sentiments of the Upper House. Their Address of Thanks was mov'd by the Right Honourable *Robert Walpole*, Esq; who with his accustom'd Strength of Reason and Force of Eloquence set forth ; ' The great Happiness of these Nations by His Majesty's seasonable ' Accession to the Throne, and run through the Mismanagements of the Four last preceeding Years', of which so great a part falls to the share of the Earl of *Oxford*. Sir *William Wyndham* was the only Member that rais'd any Objection against Mr. *Walpole's* Motion. That Noble Baronet has since been pleas'd to raise Objections against our Constitution, and is now in a fair way to be an *Out-law* for his Treasonable Practices against it. When the Address, which the House of *Commons* order'd to be drawn up, was reported, Sir *William* was backt in his Oppolition to it by that excellent Poet and Politician Mr. *Shippen*, who has got himself into a *Cornish* Borough ; I will not say in Defiance of the Qualification Bill, because I never saw his Rental. Mr. *Bromley* late Secretary of State spoke against several Expressions in the Address, which had Relation to the Misgovernment of the discarded Ministers. *Charles Ross*, Esq; a General Officer did the same, so did Sir *William Whitlock* Son of *Bulstrode Whitlock*, Esq; one of *Cromwell's* Prime Ministers. Sir *Robert Raymund*, Mr. *Hungerford*, and Mr. *Ward*, Barristers at Law, and Mr. *Casar* who had some Years before been sent to the *Tower* for speeching it more than he should have done.

Their

Their Objections were answer'd with great Solidi-
 ty and Elegance by Mr. *Walpole*, General *Stanhope*,
 Mr. *Pultney*, and Sir *Gilbert Heathcote*. Mr. *Ross*
 the General Officer before-mention'd did not forget
 a *Topick*, which it is ten to one that no Man will
 ever forget who speaks in favour of the late *High*
Church Managers ; and that is, ' That the condemn-
 ' ing the Peace, and censuring the late Ministers,
 ' was a Reflection on the late Queen, whose Act
 ' and Deed that Peace was, and that he was sure
 ' the reflecting on the late Queen could not be a-
 ' greeable to His present Majesty ". He was an-
 swer'd by Mr. *Walpole* and General *Stanhope*, *That*
nothing was farther from their Intentions than to asperse
the late Queen ; that they rather design'd to vindicate
Her Memory, by exposing and punishing those Evil Coun-
sellers, who deluded Her into pernicious Measures,
whereas the opposite Party endeavour'd to skreen and
justify those Counsellors, by throwing on that Good, Pi-
ous, and well-meaning Princess all the Blame and Odium
of their Evil Counsels. Some Members speaking in
 behalf of the late Ministers alledg'd, ' That the cen-
 ' suring them without hearing them, and condemn-
 ' ing the Peace without examining into Particulars
 ' was unjust and unprecedented ". To which it was
 answer'd, ' That they must distinguish between cen-
 ' suring Ministers and condemning the Peace in
 ' general, and condemning particular Persons, that
 ' they might in Equity and Justice do the first, be-
 ' cause the whole Nation is already sensible that
 ' their Honour and true Interest were given up by
 ' the late Peace, that in due time they would call
 ' them to an Account who made and advis'd such a
 ' Peace, but God forbid they should ever condemn
 ' any Person unheard ". And it was on this Occasion
 that the Right Honourable Mr. Secretary *Stanhope*
 took Notice of, not only a *Report*, but a *Belief* in-
 dustriously promoted by the Disaffected, that the
Justice of the Nation would not interfere in the case
 of the late Ministers. That great General and
 Statesman

Statesman observ'd it had been given out, ' That
 ' the present Ministers never design'd to call the late
 ' Managers to Account, but only to censure them
 ' in general Terms : But he assur'd the House, that
 ' notwithstanding all the Endeavours which had been
 ' us'd to prevent a Discovery of the late Mismanage-
 ' ments, by conveying away several Papers from the
 ' Secretary's Office, yet the Government had suffi-
 ' cient Evident left to prove the late Ministry the
 ' most corrupt that ever sat at the Helm. That those
 ' Matters would soon be laid before the House, and
 ' that it would appear that a certain *English* General
 ' had acted in Concert with, if not receiv'd Or-
 ' ders from the *Mareschal de Villars* ". Another
 Member said, *It was known where a certain Secretary*
had convers'd with the Pretender in France, and what
was the Subject of their Conversation. Some Members
 having intimated in the Course of this Debate, that
 inquiry should be made how the Money that had
 been given these last four Years had been expended.
 Sir Gilbert Heathcote made answer, *That though there*
was great Reason to believe a good part of those vast
Sums had been misapply'd, and 'twas highly necessary to
inquire strictly into that Matter ; yet they had things
of greater Consequence, and a much blacker Nature to
examine into before they proceeded upon other Matters.
 The Debate ending in the Question, the Address as
 it was reported, was agreed to by a great Majority.

Yeas 244.
 Noes 138.

I cannot forbear mentioning that to excuse the late
 Peace, Sir William Wyndham endeavour'd to prove,
 that it was *Beneficial to the Kingdom* ; and I must
 own, that therein he took the Argument by the right
 handle. If the late Peace be a good one, the late
 Ministers have not offended ; if it be a bad one, the
 Queen's consenting to it, or ordering it to be made,
 does not excuse their advising her to it, and putting
 her

her upon it. But, Sir *William*, though he has been Chancellor of the *Exchequer* shew'd, that he had a very bad Cause to defend, or a very bad Head to do it with. He produc'd a List of Goods, by which it appear'd, that the Customs had encreas'd near 100000*l. per Annum* since the Peace. But he was immediately taken up by Sir *Gilbert Heathcote*, who readily own'd Sir *William* might indeed produce a List of vast *Imports* from *France*, but defy'd him to shew that our *Exports* thither, particularly of our Woollen Manufactures had encreas'd since the Peace; he added, that *Imports* being only our *Consumption*, rather prove our *Loss* than our *Gain*, and that the Nation gets only by *Exports*, which keep up our Manufactures, employ our Poor, and bring in Returns in Money. Thus we see how the only Argument that was made use of to justify the Goodness of the Peace was turn'd against it, and thus will it fare with every one that goes about to vindicate those evil Counsellors, that did so much towards the Ruin of these Kingdoms.

It was now apparent to every one, that the late Ministers would be punish'd, and the *Faction* seem'd to ground their Belief of their Innocence from their standing out, and not running their Country. 'Tis true, the Earl of *Oxford* before he went into the Country under pretence of making Interest for his Son and his Relations in the Elections for the Parliament that was to be call'd, Skulkt up and down in *London*, as if he was afraid of being Apprehended. He remov'd from his House near the *Park*, to his Brother *Edwards's* in *Lincolns-Inn-Fields*, giving out that it was for his Health's sake, whereas doubtless the Air of *St. James's* is as good as that of *Holbourn*. After he was gone, various was the Reports that were spread about him. Some said he continu'd still at *Brampton Bryan*, others that he had been seen at *Burton* upon *Trent* travelling Northward, others that he had embark'd either at *Milford Haven*, or some other Creeke or Port in the *West*, on Board a Ship

Ship bound for *Genoa*. But those made the truest Conjecture who believ'd he would return to *London*, take his Seat in Parliament, and make an Appearance of being under no manner of Concern for the Danger that threaten'd him. Excepting the good Bargains he had made for his Son Mr. *Edward Harley*, and his Daughter Mrs. *Elizabeth Harley*, of whom he had marry'd the first to the Lady *Henrietta Holles*, Daughter of the late Duke of *Newcastle*, and the latter to *Peregrine Hyde Osborn*, Marquis of *Carmarthen*, and Son of the Duke of *Leeds*; I say, excepting those Presumptuous and Unequal Matches, 'twas generally thought he had not Time nor Opportunity to mend his Estate very much. For he was at a vast Charge in *Spies*, which were call'd *Lions*, and in other Expences to support his Credit and Authority, the opposite Party never letting him Breathe, and unless he had Money from *France*, it is suppos'd he laid up very little. Now, that he had none from *France*, is to me very credible, not from the Man's Honour or Disinterest, but the late Ministers were so eager for a Peace, that by the first Step they took they threw themselves into the Hands of the *French King*, who having got them at an Advantage, by their courting him to take separate Measures, made them afterwards do what he pleas'd, knowing nothing but a Peace would then save their *Necks* even in the Queen's time. The wicked Courtes that were taken by him, and his Family to get Possession of the Duke of *Newcastle's* Daughter and Estate, will be taken Notice of elsewhere; and the Guilt of it in Equity and Conscience might well amount to a Charge to couple so mean a thing as a Son of his to a Lady of her Birth and Fortune. It strikes one with Horror to think of such a Breed, but as that has no Relation to the Charge of *High Treason*, I shall refer it to another Opportunity.

The late Viscount *Bolingbroke* staying, did without doubt encourage *Oxford* to stand his Ground. I have heard that the Lord T——, one of Earl *Mortimer's* Dozen, was a main Instrument of keeping *Bolingbroke* from running away at the opening of the Parliament, by representing to him, ' That
' no hold could be laid on his Person 'till he was
' Impeach'd, which could not be 'till the Papers
' relating to that part of the Administration in
' which his Lordship was concern'd had been laid
' before the *Commons* and Examined, and that the
' Cause would suffer, if he whose chief Interest it
' was to support it to the last, should throw it up
' by absenting himself". It is said, these and such like Arguments prevail'd with him to appear in the House of *Lords*; but he could not long keep up his Courage, for ten Days after the first Meeting of the Parliament he fled in Disguise to *Dover*, and thence to *France*, which however did not hinder Earl *Oxford's* coming to Town, where he arriv'd the 8th of *April*, 1715. just about the time that the Parliament began their Proceedings against him.

The 31st of *March*, the *House of Commons* made a step towards the Impeachment of the Criminals, which put that matter out of doubt, for they resolv'd upon an Address to His Majesty, to cause the Papers relating to the Negotiations of Peace and Commerce, the Cessation of Arms, *Dunkirk*, the Assiento, the Memorials of the *Clothiers*, and of the Merchants to be laid before them; and three Days after, the Papers relating to the *Hague* and *Gertruydenberg* Treaties, which every one imagin'd was with a design to compare the Preliminaries and Articles of those Treaties with that of *Utrecht*, which would of Course bring the Negotiations of the latter upon the Stage, and that could not be done without questioning the Negotiators, but what confirm'd every one in their Conjectures of speedy Proceedings in this important Affair, was a Speech of Mr. *Walpole's* in the Debate about sending Sir *William Wyndham* to the Tower,
for

for Words reflecting on His Majesty's Proclamation for calling the Parliament. Sir *William* who affected to set himself at the Head of the *Ruin'd Party*, as the most sure way of distinguishing himself, thought to ingratiate himself with them by his Sufferings in that desperate Cause, and refus'd to *explain himself* when requir'd to do it on purpose that he might be sent to the *Tower*, but Mr. *Walpole* observing his drift by it, spoke to this Effect; *I am not for gratifying the Desire, which the Member who occasions this great Debate shews of being sent to the Tower, it would make him considerable. But as he is a young Man of good Parts, who sets up for a warm Champion of the late Ministry, and one who was in all their Secrets, I would have him be in the House, when we come to inquire into the Conduct of his Friends, both that he may have an Opportunity to defend them, and be a Witness of the fairness, with which we shall proceed against those Gentlemen, and that it may not be said that we take any Advantage against them.*

On the 9th of *April* Mr. Secretary *Stanhope* presented to the House the Papers relating to the Negotiations of Peace and Commerce, and the Cessation of Arms; he deliver'd them in at the Table in twelve Volumes bound up and number'd, and three other small Books, and also took this Occasion to tell the House, ' That nothing had been omitted that
' might either answer the desire they had exprest of
' being thoroughly inform'd of what had past in those
' important Negotiations, or satisfy the whole World
' that the present Ministry acted with the utmost
' Fairness and Candour, and design'd to take no
' manner of Advantage over the late Managers in
' the intended Inquiries. That indeed the Papers
' now laid before the House were only Copies, but
' that the Originals would be produc'd if occasion
' requir'd; that though he had read them, he would
' not prejudge the Sense of the House, who he doubt-
' ed not would find matter in them at the first sight
' of which they would all stand amaz'd". *He con-*
cluded,

cluded, ' That those Papers being too many, and too
 ' Voluminous to be perus'd and examin'd by all the
 ' Members of the House; he thought it more convenient, and therefore mov'd, that the said Books
 ' and Papers be referr'd to a Select Committee of
 ' twenty Persons, who should digest the Substance
 ' of them under proper Heads, and report the same
 ' with their Observations thereupon to the House".

This Motion was oppos'd by Sir *Thomas Hanmer*, and other Members, who objected against the appointing such a Committee, for that it would look like a *Junto* of *Forty-One*. To this several Members reply'd, and particularly Mr. *Walpole*, who represented, ' The Inconveniences that might attend the
 ' considering those Papers in a full House, that one
 ' of the late Managers whom there was Reason to
 ' think had been deeply concern'd in the Transactions of the Treaties of Peace and Commerce was
 ' already gone, and if the matters contain'd in those
 ' Papers were made Publick, 'twas to be fear'd
 ' others of them might go after him, and the
 ' publick Justice be prevented". Mr. *Ward* the Lawyer said, *Nothing could be fairer, that for his own part, though his Principle was, that Kings can do no wrong; yet he was of Opinion, that Ministers are accountable for their Male-Administration.* This is the true State of the case, the Queen could do no wrong, her Ministers are accountable, and if they have been Guilty of Male-Administration, may and ought to be punish'd. So the Question rolls upon the Fact, whether their Administration was Male; the pretence therefore of the Queen's Authority for their doing what they themselves advis'd was as vain as it is stale and exploded. The Earl of *Oxford* understanding how matters went, and that his stay in the Country was deem'd a sort of Flight or Preparation for it, thought fit to hasten to Town, and he arriv'd there to the general surprize the Night before this Debate came on in Parliament; in which his Brother Mr. *Edward Harley* said, ' 'Twas easy
 ' to

' to see, that one of his nearest Relations was prin-
 ' cipally aim'd at in the intended Inquiries ; but he
 ' might assure the House, that the said Person not-
 ' withstanding the various Reports had been spread
 ' concerning him, would neither fly his Country,
 ' nor conceal himself, but be forth coming whenever
 ' he should be call'd upon to justify his Conduct.
 ' That he hop'd he would be able upon the severest
 ' Tryal to make his Innocence appear to all the
 ' World ; but if he should have been so unhappy as
 ' to have been Guilty of the one tenth Part of what
 ' he was accus'd of by common Fame, he should think
 ' all his Blood too small a Sacrifice to atone for
 ' them ". Mr. *Hungerford* took a Fancy to except
 against the Number of *Twenty*, and mov'd, that *One*
 more might be added, perhaps, because the Number
 of the Managers at *Sacheverel's* Tryal was *Twenty*.
 Upon which it was

Resolv'd,

' That the Books and Papers before-mention'd be
 ' referr'd to a Committee, that the said Committee
 ' be a *Committee of Secrecy*.

' That the Number of the said *Committee* be *One*
 ' and *Twenty*.

' That the said *Committee* be chosen by Ballo-
 ' ting.

' That the Members of the House should on the
 ' *Monday* following at Twelve of the Clock, prepare
 ' Lists to be put into Glasses of *One* and *Twenty*
 ' Persons Names to be of the said Committee. And

Order'd,

' That the said Books do remain with the Clerk
 ' of this House, seal'd as they then were, untill the
 ' said Committee be chosen.

On *Monday* the 11th of *April*, the Members in
Westminster-Hall and *Court of Requests* having been
 Summon'd by the Serjeant at Arms to attend the Ser-
 vice

vice of the House, the Clerk and Clerk Assistant went on each side the House with Glasses to receive from the Members the Lists of Persons Names to be the *Committee of Secrecy*, and the same being receiv'd and brought up to the Table. A *Committee* was appointed, and order'd to withdraw immediately into the *Speaker's Chamber*, and that they should report to the House, upon which One and Twenty Persons, the Majority fell. Accordingly on the 13th of *April*, Colonel *Bladen* reported from the Committee, that the Majority had fall'n upon the One and Twenty Persons following.

Sir Richard Onslow, Bart.	<i>Algernon</i> , Earl of <i>Herford</i>
Robert Walpole, Esq;	Edward Wortley Montagu, Esq;
Spencer Cowper, Esq;	Sir David Dalrymple, Bart.
James Stanhope, Esq;	George Bailie, Esq;
Hugh Boscawen, Esq,	Sir Joseph Jekyl, Knt.
William Pultney, Esq;	Thomas Erle, Esq;
Nicholas Lechmere, Esq;	Richard Hampden, Esq;
Daniel Lord Finch.	Sir Robert Marsham, Bart.
John Ayslaby, Esq;	Alexander Denton, Esq;
Thomas Vernon, Esq; of	Thomas Pitt, Sen. Esq;
Worcestershire.	Thomas Lord Coningsby.

After which the House

Order'd,

‘ That the Books and Papers which were in the
 ‘ Custody of the Clerk, to remain there 'till this
 ‘ Committee was chosen, be deliver'd to the said
 ‘ Committee, and that they do Examine the same,
 ‘ and report to the House what they found material
 ‘ in them, and that they or any Five of them do
 ‘ meet this Afternoon and Sit, *de die in diem*, and
 ‘ that the said Committee have power to send for
 ‘ Person's Papers and Records.

There

There were not in *Great Britain* so many Gentlemen better qualify'd by their great Learning, Experience, Probity, and Zeal, to make the intended Inquiries than this Committee. Of these *Spencer Comper, Esq; Nicholas Lechmere, Esq; Thomas Vernon, Esq; Sir Joseph Jekyl, Alexander Denton, Esq; and Sir David Dalrymple*, are the greatest Lawyers in the Kingdom, and the rest of the Committee have distinguish'd themselves, some in the Army, and some in the Senate, and some in both, which is sufficient to warrant our preferring their Judgment in all Cases, since it was deliver'd on the most mature Deliberation, to the hasty Objection, of Interested and angry *Party-Men*.

The Committee met that very Evening, and chose the Right Honourable *Robert Walpole, Esq;* for their Chairman, but that Noble Patriot being taken ill the next Day of a violent Fit of the *Cholick*, the Committee chose the Right Honourable Mr. Secretary *Stanhope* to supply his place of *Chairman*, and for dispatch sake subdivided themselves into three Committees, to each of which a certain Number of Books were allotted.

On the 14th of *April* Mr. Secretary *Stanhope* presented to the House, Memorials and Papers relating to the Demolition of *Dunkirk*, and the Proceedings of the *South Sea Company* concerning the *Affiento*, which were referr'd to the *Committee of Secrecy*; and it was Order'd, That that Committee have leave to sit during the Adjournment of the House, which was to *Monday* the 25th of *April*. Three or four Days before this, the Earl of *Oxford* appear'd in the House of *Lords*, qualify'd himself, and took his Seat, with a look that shew'd him to be rather Insensible than Innocent.

I shall not here enter into a particular Account of the *Proceedings* of the *Committee of Secrecy* appointed by the *House of Commons*, to inquire into the Conduct of the late Ministers in transacting the *Peace*, farther than it has Relation to the *Impeachment* of the Earl of *Oxford*. Had those who are in the pre-

sent Administration been capable of omitting any part of their Duty, and contented themselves with bringing this Earl to Justice by himself, I believe he would have been given up by the disaffected *Faction*, and not one of his Fellow-Criminals have stood by him in his Distress. But the *Conspirators* knowing, that the present *Ministers* would give full Satisfaction to *National Justice*, and that if they began with the Quondam *Treasurer*, it would only be to prepare the way for the *Impeachment* of other *Traytors*, the very Persons, who a little before and immediately after the Death of the late Queen, rail'd at this *Earl* as one of the falsest and wickedest Creatures upon Earth; one who had abus'd Her Majesty's Goodness, and betray'd the Confidence she had in him; one who was accountable for all the Male-Practices of the last Four Years of Her Reign; one whom the Queen would never trust again, and repented that ever she had trusted him, I say, these very Persons finding he was to lead the way for the *Prosecution* of other *Offenders* among whom their Guilt and their Fears number'd themselves, resolv'd to render the Process against him as difficult as possible, and though they hated the *Man* to defend the *Cause*.

'Twas the Assurance he had of their appearing in his Defence, which doubtless kept him from running away as *Bolingbroke* did. His Friends certainly advis'd him to it, and Money lay ready for that Occasion; but the Encouragement he had from the Support of the *Faction*, made him Reject all advice that was given him to be gone, and to look as if he staid in Dependence, that his *Innocence* would protect him. One may also well imagine, that the late Duke of *Ormond's* countenancing the *Tumults* and *Riots*, which were fomented in all parts of the Kingdom, flatter'd him with Hopes that the Government would be intimidated, and be glad to be extricated out of those Difficulties by an Indemnity to the *Offenders* that were the Occasion of them. As his Views have always been Chimerical, so without doubt he was animated by some vain and visionary Pro-

Prospect to defy the Danger, in which every one thought him. Another consideration that probably sway'd with him to stay was, that he knew not where he should be welcome if he went. *France* had fall'n in with *Bolingbroke's* Measures, and taken Offence at *Oxford* for opposing them; *Holland* lookt upon him as the Contriver of the late infamous Peace; *Germany* hated him; the *Swiss* Protestant Courtiers were influenc'd by their Neighbour, the King of *Prussia*, as Prince of *Neufchatel*; then he had only the Mountains of *Swisserland*, or the *Popish* Countries of *Spain* and *Italy* to fly to; and though 'tis probable, that he who was so good a Friend to *Popery* at Home, should not be afraid of it Abroad, yet considering what a vast difference there is between those hot Countries and the cold Marches of *Wales*, he might well conclude with himself, that a Man with his Infirmities had better run the risk he did at Home with his Family and Relations, than die in a Foreign Country; where, however, his *Merit* as well as his *Name* could not be unknown. It has been thought that the Difficulties rais'd by Sir *Joseph Jekyl*, one of the *Committee*, as to his *Impeachment* for *High Treason*, induc'd him to venture.

I did not think these Reflections on his not withdrawing improper, because his *Stay* has been made use of as an Argument of his *Innocence*, and that will best appear in the *Charge* brought against him by the *Commons* of *Great Britain* and his Answers to it.

To proceed regularly, I shall take Notice of some Debates in Parliament previous to the exhibiting that *Charge*, which the People were very impatient to see: And this impatience of theirs gave occasion to the *Disaffected*, not only *without* Doors, but *within*, to accule the *Committee* of *Secrecy* of slowness, which some of them imputed to their want of *Matter*, and others to their want of *Management*, whereas the Truth was, they had so much *Matter* to go upon, that it requir'd more time than they had to do it in, to manage it as they would have done.

It must not be forgotten, that Mr. *William Shippen*, a Man equally famous for his Poetry and Politicks, who had been a very busy *Commissioner of Accounts* in the late Reign, and constantly receiv'd his 500*l.* a Year for it, was the first who reflected on the *Committee of Seerecy* within Doors, saying, in a notable Speech of his on the 1st of June 1715. *That after all the great Clamour that had been rais'd, their Secret Committee would end in Smoke.* The Penetration and Integrity of this Gentleman will be seen by what he has said here, compar'd with the Articles against the Earl of Oxford, and the other Impeach'd Criminals. *Hugh Boscawen, Esq,* Comptroller of His Majesty's Household, made Answer to Mr. Shippen, *That he could not forbear taking Notice of the Insolence of a certain Set of Men, who having committed the blackest Crimes, had yet the Assurance to dare the Justice of the Nation, but he hop'd those Crimes would not long remain unpunish'd; that the Committee of Secrecy were ready to make their Report, and had directed their Chairman to move the House the very next Day, that a Day might be appointed for receiving the said Report, and that in the mean time he might venture to assure the House, that they had found sufficient Matter to Impeach of High Treason several Lords, and some Commoners.* Thus we see, that the *Impeachments* are not likely to end where they now stop, and the *Consciousness* of the Persons who are hinted here, that they deserve such a Prosecution, has without doubt put them upon entering upon more *Treasonable* and *Hellish* Conspiracies to protect themselves against the *Laws*. The Right Honourable *Robert Walpole, Esq;* Chairman of the Committee, spoke to the same purpose as Mr. Comptroller had done, adding, *He wanted Words to express the Villany of the last Frenchify'd Ministry.* Mr. Secretary *Stanhope* could not forbear expressing himself, *That he wonder'd that Men who were Guilty of such enormous Crimes, had still the Audaciousness to appear in the Publick Streets; much more then to Seat themselves in the House of Peers, as the Earl of Ox-*
ford

ford did, and affected to carry himself there as one that lookt on the *Indignation of the Commons* to be Groundless and Impotent.

The very next Day, as Mr. *Boscawen* had said, being the 2d of *June*, Mr. *Walpole* acquainted the House from the *Committee of Secrecy*; That they had examin'd the *Papers and Books* referr'd to them, and had *Matters of the greatest Importance* to lay before the House, and that the *Committee* had directed him to move the House, that a Day might be appointed to receive their Report. This Motion occasion'd a small Debate, after which it was Order'd, That the said Report be receiv'd upon that Day Sev'n-night, and that all the Members do attend the Service of the House upon pain of incurring their highest Displeasure. All imaginable Care was taken to give no handle to *Gain-sayers*. The Faction could not pretend they were surpriz'd in any part of these Proceedings. They had fair warning given them to prepare what they had to say in Vindication of the Persons accus'd, and by what they said it will appear, that they had nothing to say in behalf of such Capital Offenders.

Pursuant to the Order of the House, Mr. *Walpole*, *Chairman of the Committee of Secrecy* acquainted the House the 9th of *June*, ' That he had a Report to present, but that he had the Command of the Committee to make a Motion to the House, before he read the Report. That there are in the Report matters of the highest Importance: That although the Committee had power to send for Persons, Papers, and Records, they did not think fit to make use thereof, believing it to be necessary in order to bring Offenders to Justice, that some Persons should be secur'd before 'tis possible they should know what they are to be examin'd to, and least they should have Notice from what should be read in the Report to make their escape: He was commanded by the Committee (according to former Precedents) to move, that a Warrant may be
' Issu'd

‘ Issu’d by Mr. *Speaker* to apprehend certain Persons who shall be nam’d to him by the Chairman of the said Committee, and that no Members may be permitted to go out of the House”. This wise Precaution was thought so necessary, that it was immediately Order’d, That the Lobby be clear’d of all Strangers, and the back Stairs of the Speaker’s Chamber be lock’d up, and the Key brought and laid upon the Table. And that the Serjeant do stand at the Door of the House, and suffer no Member to go forth. It was also Order’d, That Mr. *Speaker* do Issue out his Warrant to the Serjeant at Arms attending the House, to take into his Custody such Persons as shall be nam’d to Mr. *Speaker* by the Chairman of the Committee of Secrecy, in order to their being Exam’n’d before the said Committee.

By Virtue of these several Orders, the Speaker of the House of Commons the Honourable *Spencer Compton*, Esq; Issu’d out his Warrants to the Serjeant at Arms, to take into his Custody several Persons that were nam’d to him by Mr. *Walpole*, particularly Mr. *Matthew Prior*, and Mr. *Thomas Harley*; the first of whom was immediately Apprehended, and the other some Hours after. We shall in the following Pages observe what sincere honest Gentlemen they are, and especially Mr. *Thomas Harley*, whom notwithstanding his want of Honour and Merit this Earl of ours, because he was his Cousin, impos’d on the House of *Hanover* as *British* Minister in that Court.

These Steps being taken, Mr. *Walpole* acquainted the House, ‘ That the Committee of Secrecy had perus’d the Books and Papers referr’d to them, and had agreed upon a Report, which they had commanded him to make. That it was contain’d in two Books, one of which was the Report, and the other an Appendix to it, containing at large those Letters and Papers which were referr’d to in the Report”. This brave Patriot and consummate Statesman then read the Report in his Place, and

and afterwards deliver'd the same in at the Table, together with the *Appendix*, and the Books which were referr'd to the said Committee. The Reading of the *Report* took up near Five Hours. And the Friends to the late *Ministers*, who had before exprest so much Impatience to see what the Secret Committee would produce, having now seen it, lik'd it so little, that they would feign have taken hold of the length of time, that the Reading of the Report lasted, and consequently the want of Refreshment in the Members to get the consideration of the said Report put off 'till next Morning; but upon the Question, it was carry'd in the Negative.

Yeas 171.

Noes 282.

And accordingly it was Order'd, that the *Report* be now Read pursuant to this Order, the Clerk of the House read part of it, and when he had read two Hours and half, the further consideration of it was adjourn'd 'till next Morning *Friday* the 10th of *June*, when the rest of the Report was read. After which Sir *Thomas Hanmer* mov'd, that the consideration of it should be Adjourn'd to the *Monday* Sev'n-night following. He was seconded by the leading Men of the Party, Friends to the late Ministers, who mov'd also, that the said *Report* be Printed, to be perus'd by all the Members of the House. A Motion they might very well have spar'd, for it could not be suppos'd, that the Secret Committee would have kept such a Treasure from the Sight of the World as a Report, which so clearly laid open the Treachery and Villany of those wicked Managers. This was one of the Bravados of the Faction, and serv'd for them to assume the Honour of a popular Thing, which they were sure would be done without them. Upon this Motion, Mr. *Walpole* spoke to this Effect, That he could not but wonder that those Gentlemen who had shewn so great Impatience to have
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the Report laid before the House, should now press for adjourning the Consideration of it ; that as for the Committee of Secrecy, as they had not yet gone through all the Branches of their Inquiry ; they could have wish'd some longer time had been allow'd them to peruse and digest several important Papers ; that in order to that they would have deferr'd three Weeks or one Month the laying their Report before the House, but that some Gentlemen having reflected on the pretended Slowness of the Committee, since the said Report was now before them, they must ev'n go through with it. By the fulness and clearness of the Matters contain'd in this Report, one could not have imagin'd that any Papers had escap'd their Examination, but whatever remain'd then unexamin'd, we may depend upon it will be produc'd, when they shall be wanted on this Occasion.

Mr. Secretary Stanhope, who during Mr. Walpole's Indisposition, was in the Chair of that Committee, seconded that worthy Member to this purpose, ' That for his own part he would readily agree to ' give those Gentlemen all the time they could desire ' to consider of the Report ; but since they themselves had precipitated this Affair, he was of Opinion they ought to prosecute it with Vigour, lest, ' by stopping on a sudden they should fortify the ' Notion, which the Friends of the late Ministry ' had with great Industry propagated among the ' People, that the Report of the Committee of Secrecy ' would vanish into Smoke, the rather, because these ' malicious Insinuations had rais'd the Spirits and Insolence of the disaffected giddy Multitude. That ' he agreed with the Members who had mov'd for ' the Printing of the Report, that not only the ' House, but the whole World might be convinc'd ' of the Fairness and Impartiality of their Proceedings. But that the Crimes of some Persons nam'd ' in the Report were so obvious, that they ought in ' his Opinion immediately to proceed to the Impeaching of them". The Friends to the late Ministers labour'd

labour'd mightily to gain time. Every Day that this Matter was adjourn'd, they got Ground by spiriting the Party all over the Kingdom. They propos'd the putting it off for a Week, and when they could not carry that, would have contented themselves with three Days. But the Friends to the Constitution were so sensible of the Heinousness of the late Ministry's Crimes, that they were for proceeding immediately, and carry'd it by a Majority of 120 Voices; the House being very full, 440 Members in the whole. Upon this the Chairman of the Secret Committee, Mr. *Walpole*, Impeach'd the Viscount *Bolingbroke*, of whom it was observ'd by a Gentleman who has been a Member of many Parliaments, and knew *Bolingbroke* from a Youth; *That when he came first into the World he brought good Dispositions with him; that he had a worthy Gentleman to his Father, and a zealous Patriot to his Grandfather; that they had Educated him in their own English Principles, but he had been corrupted and ruin'd by the Earl of Oxford.* There were two or three Members who spoke for *Bolingbroke*, as *Charles Ross*, Esq; a General Officer, who was so full of the Viscounts great Services and Merit, that he said, *He wonder'd no Body spoke in his Favour.* At last Mr. *Hungerford* declar'd, *That in his Opinion nothing was mention'd in the Report in Relation to the Lord Bolingbroke, which amounted to High Treason.* I suppose this is the same Mr. *Hungerford*, of whom I read in the Votes of the 26th of *March 1694*, just twenty Years before.

Resolv'd,

That Mr. Hungerford, a Member of this House; having receiv'd Twenty Guineas for his Pains and Service as Chairman of the Committee of this House, to whom the Orphans Bill was committed, is Guilty of a High Crime and Misdemeanour.

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Resolv'd;

Resolv'd,

That Mr. Hungerford be expell'd this House.

I do not find any Body spoke for Viscount *Bolingbroke* but this same Mr. *Hungerford*, which puts me in mind of a merry Story I have heard of *Tom Durfey*. That excellent Poet being one Night at the *Rose Tavern*, and very warmly engag'd in a Panegyrick upon a *Dulcinea* of his, as he was fluttering with his Back turn'd, *Bancroft* the Surgeon real'd into the Room fuddled, and sat himself down in *Durfey's* Chair which was then empty; *Durfey* not seeing him come in continu'd his Encomiums on the Lady, and happening to name her, *Bancroft* swore he did indeed believe she was found, for that he had lately cur'd her of a Clap. This Affront upon *Tom's* Mistress occasion'd his flying out into a terrible Passion, and seeing the Surgeon in his Chair, he demanded as well as he could for stammering, *What he did there, and who own'd him?* The Company were Laughing all this while, and *Tom* insisting upon it to know who own'd him? *Jo. Haynes* rose up very gravely and cry'd in his hoarse Voice, *I own him, Sir?* The Obligation Mr. *Bancroft* had to such a sorry Fellow as *Haynes* for owning him, encreas'd the Mirth and the Laugh of the Company. The other parts of the Story are very humourous, but I need no more of it than this, and I doubt not I shall be excus'd for digressing so little a while from my Subject, the Impeachment of Earl *Oxford* and *Mortimer*, which was mov'd by the Right Honourable the Lord *Corningsby* in the following Terms; *The worthy Chairman of the Committee has Impeach'd the Hand, but I do Impeach the Head; he has Impeach'd the Clerk, and I the Justice; he has Impeach'd the Scholar, and I the Master; ending, I do Impeach Robert Earl of Oxford and Earl Mortimer of High Treason, and other High Crimes and Misdemeanours.* Upon this *Edward Harley, Esq;* Auditor of the Imprest, made a long Speech, wherein he endeavour'd to justify his Brother,

ther, and to move the Compassion of his Hearers, who were agitated by a much nobler Passion than that of Pity, the Love of their Country. It is true, Mr. *Edward Harley's* Talent for Eloquence did not so much distinguish him as the Fanatical Air he reserv'd still from his Education ; however, having had a very good Place by his Brother's Interest, and being oblig'd also by the Tye of Blood, he told the House, *That his Brother had done nothing but by the immediate Commands of the late Queen ;* this did not satisfy Mr. Auditor, he urg'd further, *That the Peace was a good Peace, and approv'd of by two Parliaments.* Is it not a strange thing to see so much Impudence in so modest a Nation as ours? Will any of the *Paricides*, a just Appellation given the late Ministers and their Faction by the Author of the *Englishman* ? Will any of them, I say, dare assert, that the House of *Lords* who Address'd against any Peace, while the *Spanish* Monarchy is in any Branch of the House of *Bourbon*, would ever have approv'd of the late scandalous Peace, had not *Harley* impos'd a Dozen Lords on them at once, and how it came to be approv'd of by the Majority of two Parliaments, is too well known to need any Discussion here? Mr. *Edward Harley* concluded, *That the Facts mention'd in the Report, and which were charg'd on the Earl, could not be constru'd to amount to Treason, but only in strict Rigour to Misdemeanours ;* as if to betray his Queen and his Country, was not the most flagitious of all Treasons. The next Person who own'd the Earl of *Oxford*, was another Auditor of the Imprest, and another Brother of his by Marriage, Mr. *Richard Foley* who complain'd of the Hardship put upon the Earl, in charging him with High Treason before they had examin'd the Report, which Objection was answer'd before it was made by Mr. Secretary *Stanhope*. It was matter of surprize to many to hear that Sir *Joseph Jekyl*, a Gentleman, who by Education, Principle, and Practice, had been always zealous for the Constitution, should go about to extenu-

ate the Earl's Crime or his Punishment. What made it the more extraordinary was, that Sir Joseph was himself a Member of the Secret Committee; he said, *That as to the Lord Bollingbroke they had more than sufficient Evidence to convict him of High Treason upon the Statute 25 Edw. III. But that, as to the Earl of Oxford, he doubted, whether they had either sufficient Matter or Evidence to impeach him of Treason.* To this an Honourable Member of the Committee of Secrecy reply'd, *That besides what had appear'd before them, and was mention'd in the Report, they had other Evidence, Vivâ, Voce.* Upon which without any Division it was

Resolv'd,

That this House will Impeach Robert Earl of Oxford and Earl Mortimer of High Treason, and other High Crimes and Misdemeanours. And

Order'd,

That it be referr'd to the Committee of Secrecy to draw up Articles of Impeachment, and prepare Evidence against Henry Viscount Bolingbroke and Robert Earl of Oxford and Mortimer.

The Earl of Oxford was too much concern'd in these Debates not to be fully acquainted with them; yet the next Morning the 11th of June, he went to the House of Peers, carrying with him the same dissembled Look of Content and Gayety as he had put on since his first Appearance there in this Parliament. But finding that most of the Members avoided sitting near him, and that even the Earl Paulet who had been advanc'd to a *Staff and Garter* by his Interest, was shy of exchanging a few Words with him, this wrought one of the most wonderful Effects that ever was seen in Man, for it put the Earl of Oxford out of Countenance; and he who had insulted all the Powers of Europe, and all the Peers of Great Britain, was

was at last ashamed and retir'd out of the House of Lords.

The same Day *Grey Nevil, Esq;* made a Motion in the House of Commons.

That Mr. Speaker do send a Printed Copy of the Report from the Committee of Secrecy to the Sheriff of every County, and to the Returning Officer of every City and Borough sending Members to Parliament.

Which was Order'd accordingly.

Mr. Speaker when he saw Mr. Nevil afterwards out of the House said, *I thank you, Sir, for the trouble you have given me by your Motion, but I wish you would let me know how I shall send them.* To which Mr. Nevil reply'd, *I'll bring you an Almanack, Sir, where you shall find out all the Coaches and Carriers from London to any part of England.* Mr. Speaker answer'd, *I do but rally, Mr. Nevil, not only I, but every good Briton is oblig'd to thank you for your Motion, which will be the Occasion of letting them see how they were betray'd by the late Ministry.* Thus we may observe, that the *Disaffected* needed not have been so forward to propose the Printing the Report, since the Loyal Party were so zealous to have it spread.

On Wednesday the 15th of June, Mr. Walpole from the Committee of Secrecy acquainted the House, ' That he was directed by the Committee to move ' the House, that the Persons taken into Custody, ' pursuant to the Order of the House of the 9th Instant, might be examin'd in the most solemn manner ' according to former Presidents". Upon which it was

Order'd,

' That such Members of the Committee of Secrecy ' who are Justices of the Peace for the County of ' Middlesex, should examine *Matthew Prior, Esq;* ' and *Thomas Harley, Esq;* at the said Committee, ' touch-

‘ touching Matters contain’d in the several Books
 ‘ and Papers referr’d to them.

It was hop’d Mr. *Prior* would have dealt ingeniously by the *Committee*, he had had his Assignments punctually paid him, had been at Court, and in private Conference with some great Men ; but it seems his Behaviour did not answer Expectation, for on the 17th of *June* the *Chairman* of the *Committee* acquainted the House, ‘ That pursuant to their Order, ‘ *Matthew Prior*, Esq; had been the Day before examin’d before the Committee of Secrecy, and during a long Examination, there appear’d Matters ‘ of such Importance, that the Committee had directed him to move the House, that he might be ‘ confin’d in close Custody, and no Person permitted to come to him. Upon which it was

Order’d,

‘ That *Matthew Prior*, Esq; (now in Custody of the Serjeant at Arms) be confin’d in close Custody, ‘ and no Person permitted to come to him without ‘ leave from Mr. *Speaker*.

It was rumour’d, and not without Reason, that Mr. *Prior* had been three Hours in close Conference with the Earl of *Oxford*, who had so effectually tamper’d with him, that he was more reserv’d in answering Questions than he had been before, and the Assurances he might have of Mr. *Prior*’s Caution not to discover any thing material against him, but to act as it was then agreed between them, was probably the Occasion of that gay, contented Air which the Earl assum’d, while his Crimes were under consideration.

On the 7th of *July*, Mr. *Walpole* from the *Committee* of Secrecy acquainted the House of *Commons*, ‘ That the Committee had in Obedience to the ‘ Commands of the House, prepar’d Articles of Impeachment for High Treason, and other High ‘ Crimes and Misdemeanours against *Robert Earl* of ‘ *Oxford*

‘ *Oxford* and Earl *Mortimer*, and that the Committee had commanded him at the same time to acquaint the House, that they should in a short time have further Articles to lay before the House against the said Earl, and that the Committee had directed him to report the Articles already prepar’d to the House”. Then this worthy Member indefatigable in the Service of his King and Country, read the first sixteen Articles of the Impeachment in his Place, there being no more Exhibited at that time. He afterwards deliver’d the same in at the Table, where they were once Read by the Clerk of the House as usual in such Cases. The *Disaffected*, who while the *Secret Committee* were making their *Inquiries*, were for precipitating their Report, now they saw the Effect of them, they were for *Delays*, and putting the *evil Hour* off as long as they could, in hopes, doubtless, that some bad Incident or other from Abroad or at Home would happen to interrupt the Prosecution of this Affair. The Articles being read, a Member of that Party mov’d, ‘ That the further consideration of them be adjourn’d to that Day Sev’n-night, but it was carry’d without dividing”. And

Order’d,

‘ That the said Report be read the next Day.

Accordingly on the 8th of *July*, the first Ten of the Articles of Impeachment against *Robert Earl of Oxford* and Earl *Mortimer* were read a second time, and the Question being severally put upon them, with Amendments to some of them, there was a long Debate from *Two* ’till *Eight* in the Evening, when they were agreed to by a Majority of 155 Voices.

Yeas 280.

Noes 125.

Then

Then a Motion being made, and the Question put, That the further consideration of the said Report be adjourn'd 'till next Morning. The House divided upon it, and it was carry'd in the Negative.

Yeas 139.

Noes 247.

Upon which the Eleventh Article was read a second time, and amended by the House. This Article occasion'd a long Debate, whether it was *High Treason* or not. Sir Robert Raymund, who some Years before had refus'd to be *Sacheverel's* Council, but being remov'd from his place of Solicitor-General, thought fit now to plead for the Earl of Oxford, maintain'd the Negative, so did William Bromley, Esq; Secretary of State, when the Earl was Treasurer, Mr. Edward Harley, Auditor, Mr. Richard Foley, Auditor; for it is remarkable, that this honourable and upright Treasurer had got his Brother and Brother in Law to be his Checks in the Execution of his Office, and to see that he kept his Accounts honestly and fairly. With these join'd two excellent Lawyers, Mr. Ward, and the before-mention'd Mr. Hungerford; but what they said was not so worthy of Notice, as what came from Sir Joseph Jekyl, one of the Members of the Secret Committee, and a Gentleman known to be always hearty for the Interests of the Illustrious House of Hanover. Some pretended this Opposition of his proceeded from Pique, on the preference that had been made of some other Lawyer, in a Post of great Honour in the Law, to which Sir Joseph had very good Pretensions from his Zeal to the Government, and his long Services to the Publick, but I who though a Stranger to his Person, am none to his Character, do verily believe what he said were his real Sentiments, and that he was not capable of being byass'd in a publick Affair by private Considerations; yet I must needs say, I cannot lay very great Stress on his Arguments against

gainst that Article's being High Treason, since it had been approv'd, and agreed to be such by *Nicholas Lechmere, Esq;* Solicitor-General, by *Spencer Cowper, Esq;* and other eminent Lawyers of the Secret Committee. Sir *Joseph Jekyl* among other things said, That it was ever his Principle to do Justice to every Body from the highest to the lowest, being perswaded that it was the Duty of an honest Man never to act by a Spirit of Party, that he hop'd he might pretend to have some Knowledge of the Laws of the Kingdom, and as in the Committee of Secrecy he had taken the Liberty to differ from his Colleagues; he would not scruple to declare now to the whole House, that in his Judgment the charge in Question did not amount to High Treason.

This gave great Offence to the Members of the Committee, it seem'd to be both a revealing and a censuring their Proceedings. People argu'd, that every Member of that Committee was determin'd by a Majority there as well as in other Assemblies, and that the least Sir *Joseph* could have done was to have acquiesc'd in their Proceedings. Mr. *Walpole* as Chairman of that Committee, could not but resent a little so open a Reflection upon them, and spoke with some warmth to this Effect; ' That there were ' both in and out of the Committee of Secrecy several Persons, who did not in the least yield to the ' Member that spoke last in point of Honesty, and ' who without derogating from his Merit, were superiour to him in the Knowledge of the Laws; ' but who at the same time were satisfy'd, that the ' charge specify'd in the Eleventh Article amounted ' to Treason'. The Reader will find the substance of all the Articles in the following Pages, to which I refer him, when any one of them is mention'd before he comes to them, and the Earl's Answer to them. Mr. *Walpole* was backt by Mr. Secretary *Stanhope*, the Lord *Coningsby*, *General Cadogan*, *Hugh Boscawen, Esq;* and *John Ayslabie, Esq;* Members of the Secret Committee; and

the Eleventh Article being amended, was agreed to by the House.

Yeas 247.

Noes 127.

Mr. *Edward Harley* did not leave his Brother on this, or any the like Occasion. He spoke in his Justification, and did not forget the thread-bare Topick, that what he did was by the Queen's Commands. Now, if the King or Queen's Commands are sufficient to justify ill Ministers in their Male-Administration, 'twill be impossible to punish them, let them act as Arbitrarily and Tyrannically as they please. Those Princes that are wicked, or foolish enough to employ ill Ministers, will always support them with their Authority. If neither Princes nor their Ministers are accountable to the Laws, for God's sake what are we the better for our Liberty, for our Laws, for our Constitution? I am amaz'd to see such an Absurd Nonsensical Argument to be made use of in an Assembly of *Britons*. To prove that the *Treasurer* did only what the Queen would have him, the Auditor *Harley* offer'd to produce two Letters from Her Majesty, and he insisted upon the Necessity the Nation lay under to make a Peace; he added, *The Dutch prolonged the War, and their Deputies in the Army had often prevented the giving the Enemy a decisive Blow*. But as this Member was by no means a Hero, and knew very little of Military Matters, he might well give General *Cadogan* an opportunity to expose his Ignorance; that General shew'd, 'That the Dutch were more concern'd than any Prince or State in the Grand Alliance to put an End to the War'. And he undertook to prove, 'That there had not been any Campaign in *Flanders*, except that in which the Duke of *Ormond* commanded, that was not mark'd, and famous to all Posterity, for some signal Victory and glorious Event, to the Advantage of the common Cause'. Then the rest
of

of the sixteen Articles were severally read a second time, and with Amendments to some of them agreed unto by the House ; who

Order'd,

- ‘ That the said Articles be engrossed.
- ‘ That a Clause be prepar’d, saving Liberty to the *Commons* to exhibit any further Articles against the said *Robert Earl of Oxford* and *Earl Mortimer*,
- ‘ and that he may be sequester’d from Parliament,
- ‘ and committed to safe Custody.

Which Clause pursuant to this Order was offer’d the next Day the 9th of *June* to the House, and being twice read and agreed to, was order’d to be Engross’d with the Articles of Impeachment. While this was doing, the House of *Commons* order’d *Hugh Boscawen*, Esq; Comptroller of His Majesty’s Household, to go to the *Lords* with a Message, to desire their Lordships would continue sitting some time, with which desire their Lordships readily comply’d. After this, the Engross’d Articles of Impeachment against *Robert Earl of Oxford* and *Earl Mortimer* were read ; and it was

Order’d,

- ‘ That the Lord *Coningsby* do carry the said Articles to the *Lords*.
- ‘ That the Lord *Coningsby* be directed (before he Exhibit the said Articles to the *Lords*) to Impeach *Robert Earl of Oxford* and *Earl Mortimer* to the Effect following, *Viz.*

My LORDS,

The Commons Assembled in Parliament, having receiv’d Information of divers Traiterous Practices and Designs of a great Peer of this House, Robert Earl of Oxford and Earl Mortimer, have commanded me to Impeach the said Earl of Oxford and Earl Mortimer of High Treason, and other High Crimes and Misde-

meanours. And I do hereby in their Names, and in the Names of all the Commons of Great Britain, Impeach Robert Earl of Oxford and Earl Mortimer of High Treason, and other High Crimes and Misdemeanours; I am further commanded by the House of Commons, to pray and demand of your Lordships, That the Earl Oxford and Earl Mortimer may be sequester'd from Parliament, and forthwith committed to safe Custody.

The House order'd Nicholas Lechmere, Esq; Solicitor-General, to go also to the Lords with a Message, to desire that their Lordships would direct that the Painted Chamber, the Lobby, and the passage to the House of Lords might be clear'd from any Crowd; which being done accordingly, the Lord Coningsby attended by near 250 Members of the House of Commons, went up to the House of Peers, and at their Bar impeach'd Robert Earl of Oxford and Earl Mortimer in the Form above-mention'd, and then left with their Lordships the Articles of Impeachment: Here the Reader is desir'd to turn to the Articles themselves, which are Printed in the following Pages, together with the Earl of Oxford's Answer, that he might see them both at one View, and consequently be the more Master of the whole matter.

94. As soon as the Lord Coningsby and the Commons were withdrawn, a certain Lord, no Enemy to the late Ministry mov'd, for *Adjourning* the consideration of those Articles of Impeachment to the Monday following, he was backt by several Peers of the same side, particularly by Dr. Atterbury Bishop of Rochester, a Prelate of whose Piety, Charity, Humility, Temper, and Principles, one can never say enough. He will think it no Dishonour to him to say, that he was in the Depths of the Measures of the late Ministry, one of their greatest Confidants, and most trusty Counsellors. I shall expect his Lordship in every Debate where their Interests or Persons are concern'd, and do not repeat what I have heard
he

he should say for them, as if it had any Weight in it, but because I would be impartial and declare what I know for and against them.

I must here beg the Reader's pardon for digressing a little to tell another Story, and that is of Sir *Edward Seymour*, who every Body knew had no more Learning than he had Manners or Virtue ; yet Sir *Edward* would be always quoting History, Sacred or Prophane, and sometimes would blunder out some scraps of *Latin*, such as he was furnish'd with by the *Literati* of the Faction, of which he was the Leader, and the Noble Earl we are speaking of was one of his Converts and Pupils. Sir *Edward* who had appear'd early in the *Revolution*, who was the first mover of a *Resisting Association* at *Exeter* against King *James*, who was actually in Arms against *Hereditary Right*, who had been a Privy-Counsellor to King *William*, and one of the Lords of his Treasury ; this same Sir *Edward*, because he was not made a *Prime Minister*, put himself at the Head of the *disaffected* Party, and posted the *Church* in the Van of them, to defend them from all Assaults of their Opponents. I have been told, that Earl *Robert* headed a Troop of *Herefordshire* Calvinists at the *Revolution*, that he had a Fancy to be made a Colonel of a Regiment of Horse, and because he mist of it, that he Listed himself under Sir *Edward Seymour*, and left *Daniel Burgesse* or *Tim. Cruso's* Conventicle, to set up too for a Champion of the Church, which the Faction would needs have to be in *Danger*, as soon as 'twas deliver'd from *Popery* by King *William*. These Men acted their several Parts against King *William* and Queen *Mary*. Some of them were to tamper with the *Fanaticks*, and endeavour to divide that Interest from that of the Government. This was manag'd by the *Harley's*, *Foley's*, *Winnington's*, and some of them were to cry out, the *Church*, the *Church* ; some to bawl aloud, no *Commonwealth*, *Monarchy*, and *Jure divino* ; some to correspond with the *Jacobites* and *Non-jurors* ; some to enter into Conspiracies ;
and

and some to support them in it. Upon the bringing in the Bill against Sir *John Fenwick* to attain that Traytor, several Speeches were made in favour of him by the Heads of the Faction, as *Seymour, Harley, Harcourt, &c.* And Sir *Edward Seymour* took Occasion in one of the Debates to repeat a passage out of *Cicero*, which related to *Cethegus* and *Cataline*, wherein the former spoke in the Senate in Vindication of the latter ; but he blunder'd so, that it made the House merry with his Pedantry, and a Member, a Man of Wit and Learning, I think it was Lieutenant-General *Mordaunt* observ'd in his Answer to him, that Sir *Edward* had forgot one main part of the History, and the principal Reason of *Cethegus's* Speeching it for *Cataline*, which was that *Cethegus* himself was in the same Conspiracy.

To return to the Bishop of *Rocheſter's* Speech for Earl *Oxford*, he ſaid, *This Accuſation is of a very extraordinary a Nature, and ſo very Important, both in it ſelf and its conſequences, that the Houſe ought to proceed on it with the utmoſt Caution and Deliberation.* The Duke of *A—le* was pleas'd to reply to this Biſhop, and with that Force and that Eloquence, which give a grace to all his Reaſons, ſaid, ' It was well known, the Prelate who ſpoke laſt had of late ſtudy'd Politicks more than Divinity, and was thoroughly acquainted with the ſubject Matter of the Articles that lay before them ; and therefore he did not doubt, but his Lordſhip was now as ready to ſpeak to them as he could ever be if he had more time to conſider of them ". After a Debate of about an Hour and half, the queſtion for Adjourning was put, and carry'd in the Negative.

Yeas 54.
Noes 86.

Upon this the Articles of Impeachment were read, and it took up 'till about Eight in the Evening. Then a Motion was made by a *Peer*, who was on the
the

the *Affirmative* side in the Question about Adjourn-^{qu.}
ing, *That the Judges might be consulted to satisfy the*
House, whether the charge contain'd in the said Arti-
cles amounted to High Treason. We cannot fail of
meeting the Earl of *Oxford's* old Friend, the Lord
Harcourt in this Debate, as also the Lord *Trevor*,
who though a Lawyer, and a Chief Justice, yet com-
ply'd with *Oxford* so far, as to suffer him to make
him one of his *Dozen*. These were also for consult-
ing the Judges, as was the Duke of *Shrewsbury*, who
was pleas'd to accept of a Share in the late Peace,
and to go Ambassadour to *France* after the making
of it. The Duke of *Leeds* join'd in with them on
this Occasion, as did Earl *P—t*, the same that pro-
vok'd the temper of one of the most stoical Lords in
the World, the Duke of *Marlborough*, and by a bar-
barous Reflection on the Honour of that Illustri-
ous Hero, drew a Challenge himself, which he was ^{qu.}
too discreet to answer. The Lord *North* and *Grey*,
who sometime before, the 1st of *June*, had spo-
ken in behalf of the *Assassins* in *Newgate*, now
spoke in behalf of the Earl *Oxford*. The Bishop
of *Rocheſter* was at it again, but the Lord Chancel-
lor *Cowper*, their Graces the Dukes of *Argyle* and
Montroſs, the Earls of *Nottingham*, *Sunderland*,
Dorset, and *Iſla*, the Lord Viscount *Townshend*, and
some other Loyal Peers oppos'd Delays in so im-
portant an Affair. The Lord *Trevor* having gone
so far as to declare his Opinion, that *none of the Ar-*
ticles amounted to High Treason. He was answer'd
by the Lord Chancellor, who by many strong Argu-
ments shew'd the contrary, and challeng'd all the
Lawyers in *England* to disprove them. But as Ar-
guments were not likely to satisfy such as could de-
fend the late Ministers, their Friends still insisted
upon it to have *the Judges consulted.* To this the
Earl of *Nottingham* reply'd, ' That instead of fa-
' vouring thereby the Noble Person who had the
' misfortune to be Impeach'd, as undoubtedly they
' meant it, they might on the contrary do him a
' great

‘ great prejudice; for if upon consulting the Judges,
 ‘ they declar’d the charge to amount to *Treason*, the
 ‘ said Lord would stand prejudg’d before he was
 ‘ brought to his Trial”. Other Noble Peers spoke
 in the same Debate, which ended in putting the *Que-*
stion upon the Motion before-mention’d for consulting
 the Judges, and it was carry’d in the Negative.

Yeas 52.

Noes 84.

9^u. Then a Motion was made by a Lord of the Loyal
 Party, for *committing the Earl of Oxford to safe Cu-*
stody. This occasion’d a fresh and a warm Debate, se-
 veral Lords spoke for and against it, and the *Questi-*
on being about to be put, the Earl thought it high
 time for him to speak for himself, which he did to
 this Effect:

My Lord,

‘ **I** T is a very great Misfortune for any Man to fall
 ‘ under the Displeasure of so great and so power-
 ‘ ful a Body as the *Commons of Great Britain*: And
 ‘ this Misfortune is the heavier upon me, because I
 ‘ had the Honour to be plac’d at the Head of the
 ‘ late Ministry, and must now, it seems; be made
 ‘ accountable for all the Measures that were then
 ‘ pursu’d. But, on the other hand, ’tis a very great
 ‘ Comfort to me under this Misfortune, that I have
 ‘ the Honour to be a Member of this august Assem-
 ‘ bly: An Assembly which always squares their Pro-
 ‘ ceedings and Judgments by the Rules of Honour,
 ‘ Justice, and Equity; and is not to be byass’d by
 ‘ a Spirit of Party.

My Lord,

‘ I could say a great deal to clear my self of the
 ‘ Charge which is brought against me; but as I now
 ‘ labour under an Indisposition of Body, besides the
 ‘ Fatigue of this long Sitting, I shall contract what
 I have

I have to say within a very narrow Compass. This whole Accusation may, it seems, be reduc'd to the Negotiation and Conclusion of the Peace: That the Nation wanted a Peace, no Body will deny; and, I hope, it will be as easily made out, that the Conditions of this Peace are as good as could be expected, considering the Circumstances wherein it was made, and the Backwardness and Reluctancy which some of the Allies shew'd to come in to the Queen's Measures. This is certain, that the Peace, as bad as it is now represented, was approv'd by Two successive Parliaments. It is, indeed, suggested against this Peace, that it was a separate One: But, I hope, my Lord, it will be made appear, that it was General; and that 'twas *France*, and not *Great Britain*, that made the first steps towards a Negotiation. And, my Lord, I will be bold to say, that during my whole Administration, the Sovereign upon the Throne was lov'd at Home, and fear'd Abroad.

As to the Business of *Tournay*, which is made a Capital Charge, I can safely aver, that I had no manner of Share in it; and that the same was wholly transacted by that unfortunate Nobleman who thought fit to step aside: But I dare say in his behalf, that if this Charge could be prov'd, it would not amount to *Treason*. For my own part, as I always acted by the immediate Directions and Commands of the late Queen, and never offended against any known Law, I am justify'd in my own Conscience, and unconcern'd for the Life of an insignificant Old Man. But I cannot, without the highest Ingratitude, be unconcern'd for the best of Queens: A Queen who heap'd upon me Honours and Preferments, though I never ask'd for them; and therefore I think my self under an Obligation to vindicate Her Memory, and the Measures she pursu'd, to my Dying Breath.

My Lord,

‘ If Ministers of State, acting by the immediate
 ‘ Commands of their Sovereign, are afterwards to
 ‘ be made accountable for their Proceedings, it may,
 ‘ one Day or other, be the Case of all the Members
 ‘ of this august Assembly ; I don’t doubt, therefore,
 ‘ that out of Regard to your selves, your Lordships
 ‘ will give me an equitable Hearing ; and I hope
 ‘ that, in the Prosecution of this Inquiry, it will
 ‘ appear, that I have merited not only the *Indul-*
 ‘ *gence*, but likewise the Favour of the Government.

My Lord,

‘ I am now to take my leave of your Lordship,
 ‘ and of this Honourable House, perhaps for ever !
 ‘ I shall lay down my Life with Pleasure, in a Cause
 ‘ favour’d by my late dear Royal Mistress. And
 ‘ when I consider that I am to be judg’d by the Ju-
 ‘ stice, Honour, and Virtue of my Peers, I shall
 ‘ acquiesce, and retire with great Content : And,
 ‘ my Lord, *God’s Will be done.*

When the Earl of *Oxford* had done speaking, the
 Duke of *Shrewsbury* acquainted the House, ‘ That
 ‘ the said Earl was at present very much indispos’d
 ‘ with the Gravel, and therefore he hop’d the House
 ‘ would not immediately send him to the *Tower*,
 ‘ but suffer him to be for two or three Days under
 ‘ the Custody of the Black Rod at his own House,
 ‘ where he might have the Attendance and Assistance
 ‘ of his Relations and Servants. That, however he,
 ‘ the Duke of *Shrewsbury* did not propose this as a
 ‘ Motion, because he was against committing him at
 ‘ all, but only left it to the consideration of the
 ‘ House’. This Duke was seconded by Earl *Paulet*,
 and no Opposition being made to it, the Earl of *Ox-*
ford withdrew, leaving Word with the Usher of the
Black Rod, that he would be at Home. After this
 the Question was put, that the said Earl be com-
 mitted

mitted to safe Custody, and it was carry'd in the *Affirmative*.

Yeas 82.

Noes 50.

These Debates were so long, that the House did not rise 'till a Quarter past One in the Morning, when Sir *William Oldys*, Usher of the *Black Rod*, went to the Earl of *Oxford's* House, communicated to him the Order of the House of *Peers* for taking him into Custody, and left some of his Officers for that purpose in his House.

The Earl who was the most unpopular Person in *Great Britain*, had however a Mob at his Heels when he went from the House of *Lords*. The Rabble was then in the height of their Ferment. The Lenity of the Government had given them such Heart that they stood out in Defiance of it, and affected to do any thing that might shew their Insolence. They had been us'd to Riot ever since *Sacheverel's* Tryal, and they were loath to lose the Power they had Usurp'd, out of spite to the Ministry whom His Majesty had made, and not out of Love to those he had remov'd; they cry'd out, *Ormond for ever, Oxford for ever*, and larded it with *High Church, High Church*, and *Sacheverel for ever*. It was observ'd, that of twenty Bishops who were in the House when the *Question* for committing the Earl of *Oxford* to safe Custody was put, six only were against it, viz.

Sir *William Daws*, Arch-Bishop of *York*.

Dr. *Nathaniel Crew*, Bishop of *Durham*.

Dr. *John Robinson*, Bishop of *London*, late Plenipotentiary at *Utrecht*.

Dr. *Francis Atterbury*, Bishop of *Rocheſter*.

Dr. *George Smalridge*, Bishop of *Bristol*.

Dr. *Francis Gastrel*, Bishop of *Chester*.

Of these, Four were made Bishops by his Interest chiefly, and during his Ministry; and Dr. Crew not only distinguish'd himself in this case, but many Years before in being one of King James's *High Commission Court*, &c. As for his Grace of York, I know nothing of him, but by this and some other Votes of the like Nature.

On Monday the 11th of July, the Lord Coningsby acquainted the *Commons*, ' That he did the Saturday before at the Bar of the House of *Lords*, Impeach ' Robert Earl of Oxford and Earl Mortimer of High ' Treason, and other High Crimes and Misdemeanours, and deliver'd in the Articles of Impeachment against him, and did pray and demand that ' the said Earl might be sequester'd from Parliament, ' and forthwith committed to safe Custody '. The same Day the *Lords* order'd, that the Earl of Oxford be brought to the Bar of their House the next Morning in order to be sent to the Tower, and then their Lordships sent a Message to the *Commons* to acquaint that Honourable House, ' That the *Lords* had order'd the Black Rod to attach and take into safe ' Custody Robert Earl of Oxford and Earl Mortimer, ' and that the Black Rod had return'd to the *Lords*, ' that he had accordingly attach'd the said Earl, ' and had him now in safe Custody.

Pursuant to the above mention'd Order of the House, the Earl of Oxford was next Morning the 12th of July brought to the Bar of the House of *Lords*, where having receiv'd a Copy of the Articles of Impeachment against him, he represented to their Lordships, ' That the ablest Men in the Nation had ' been many Weeks in drawing up those long Articles against him ; and therefore, he hop'd, the ' House would allow him a proportionable time to answer them, he return'd their Lordship's hearty ' Thanks for their great Humanity in not sending ' him to the Tower the Saturday before, and as he ' still labour'd under the same Indisposition of Body, ' he humbly desir'd their Lordships to permit him ' to

to continue some few Days more at his own House under the Custody of the *Black Rod*. Then the Earl withdrawing into the *Black Rod Room*, the *Lords* resolv'd to allow him a Month to answer the Articles of Impeachment, and as to his last Request, Dr. *Mead* one of his Lordship's Physicians being consulted, and having made an Affidavit, That if the Earl was sent to the Tower, his Life would be in Danger. A Motion was made, That he might continue in his House 'till the Monday following; but this was oppos'd, and after a warm Debate it was carry'd that he should be sent to the Tower on the Saturday following, the 16th of July.

One cannot enough commend the great Zeal of Dr. *Mead*, for the Preservation of the Earl of *Oxford's* Health, he declares it will kill him to carry him a Mile farther in a good easy Chair, or if he should change his Lodgings in his House at *Park Place*, for an Apartment in so open and so airy a Place as the Parade in the Tower; but this good Doctor, the Son of *Matthew Mead* the Independent Preacher at *Stepney*, the great Engrosser of Trusts for the Orphans of *Fanaticks*, and Brother to Mr. *Samuel Mead*, who left a *Presbyterian* Pulpit for the Bar: This good Doctor, I say, had great Tenderness for the Life of a Peer, who like him, was not only become a Convert to Church, but to *High Church*. His Brother *Samuel* being also in the same Disposition, won over by the Caresses of the Chancellor *Harcourt*; I take Notice of these Endearments between them, to see how natural it is for Spiritual and Temporal new Converts to hang together.

There was a Passage in the Debate of this Day the 12th of July, which occasion'd a great deal of Warmth in the House. The Earl of *Anglesea* having said, 'That it was to be fear'd these violent Measures would make the Scepter shake in the King's Hand'. Most of the Members of that august Assembly took Offence at this Suggestion; some cry'd to the Tower, and others only to Order. The brave Earl of *South-
therland*,

therland, one of the sixteen Peers of North Britain, who in the Heat of the late *High Church* Tyranny, gave signal Proofs of his Affection to the *Hanover* Succession, rose up and said, *He trembled with Indignation to hear such Words said in that Noble Assembly, that if they had been spoke any where else, he would call the Person that spoke them to Account, but all that he could do there, was to move, that he might explain himself, Sentiments worthy so Loyal and so Valiant a Peer.* The Earl of Sutherland was seconded by his Grace the Duke of Roxburgh, another Peer of North Britain, of eminent Zeal and Affection for the present happy Settlement, who among other things said, *That the Scepter was so well Rivetted in the King's Hand, that instead of shaking, it would crush all His Majesty's Enemies.* The Earl of Berkley, and some other Lords backt also the Earl of Sutherland's Motion, upon which the Earl of Anglesea stood up and said, ' That it was but too manifest by the Riots ' that were daily committed in several Parts of the ' Kingdom ; that the Nation in general was against ' these Impeachments ; that for his own part he was ' so far from approving those Tumultuous Assemblies ' and Disorders, that he rather wish'd a stop might ' speedily be put to them by Exemplary Punishment ; ' that he had on several Occasions given sufficient ' Proofs of his Zeal and Affection for the *Revolution*, ' and the Protestant Succession ; that what he had ' now advanc'd was the Result of the same Zeal for ' the Peace and Prosperity of His Majesty's Reign. ' However, if he had been so unhappy as by any ' unguarded or passionate Expression, to give Offence to that august Assembly, he was very sorry for ' it '. This Explanation of his Lordship did not give Satisfaction to many of the Noble Peers, who still inclin'd to have the Earl of Anglesea sent to the Tower ; but the *very Words* he had spoken not having been taken down in Writing, the House admitted of his Lordship's Excuse, and the Matter went no farther.

In this Days division to the Bishops before-mention'd, must be added on the Earl of *Oxford's* side, Dr. *Hooper*, Bishop of *Bath and Wells*, and Dr. *Otely*, Bishop of *St. Davids*, the latter one of his own making, the former a Successor of *Ken*, whose Political Merit is well known. The Earl was blam'd by many for putting off his going to the *Tower*. They said it did not consist with the Firmness and Resolution he had hitherto shewn, and that if he had wanted Physicians, he might have had them as well at the *Tower* as at *St. James's*. On *Friday* the 15th of *July*, the House of *Lords* adjourn'd to the *Monday* following, to avoid, as it was generally surmis'd any fresh Motion, which the Earl of *Oxford's* Friends might make for deferring his being sent to the *Tower*, whether according to Order he was carry'd by the Usher of the *Black Rod*, on *Saturday* *July* 16th, about Eight a Clock in the Evening, in the Earl's Chariot, attended by two Hackney Coaches, in which were the Earl's Wife and Son, and some other of his Relations and Servants. Though these three Coaches went from his House at *Park Place* near *St. James's* Palace, up *St. James's-Street*, and then through *Piccadilly*, *Monmouth-Street*, *Holbourn*, and other less frequented Places, as 'twas thought to avoid a Crowd, yet were they attended by a great Company of *Rabble*, it being at the time when the *Mob* was most Rampant, and in *Rebellion* in other parts of the Kingdom. I have observ'd, that this Earl, who did nothing, and said nothing with a good Grace, who had no Address nor agreeable Mien, and who had never done any thing in the World to gain him the Affection of the People, had however the Cry of this select Populace on his side. Those that bawl'd *Oxford*, would have bawl'd the *Pope*, the *Devil*, or the *Pretender*, would have cry'd out as they did at the City Election for Members of Parliament before *Queen Anne's* Death, no *Merchants*, no *Trade*, for they must be the most stupid *Rascals* that ever liv'd to have a Word in their Mouths for such a Man as *Oxford*; yet after they
had

had follow'd him to the *Tower*, their Number being encreast as they came back, they rais'd an *Uproar* in the Streets with their cry of *High Church, Ormond, and Oxford* for ever, and when they came to *St. Martin's Lane, Westminster*, some of them grew so outrageous as to throw Stones at and break the Windows of several Houses, upon which three or four of the *Rioters* were seiz'd and carry'd to the *Round-House*.

When the Earl was first lodg'd in the *Tower*, he was at a Warder's House, where it was thought he took too much Liberty, so under pretence of carrying him to a more airy convenient Lodging, he was remov'd to Mr. *Doyley's*, the Deputy-Governours. He was very ill after he came thither, and People began to be afraid he would by his Disease escape the Hands of *Justice*, but his Physicians and Surgeon did him so much good, that he soon grew out of Danger; *G——n* the Surgeon swore, *D——n him, he believ'd he should patch him up for the Block*. Having receiv'd the Articles against him, he had Leisure during his Confinement to consider of an Answer, in which he was very much help'd by his Son *Duplin*, one of his Dozen too, Mr. *Samuel Mead* the Lawyer, *Con. Phips*, and *Taylor* the Attorney of *Bridewell*. It is said, the late Chancellor, and the Lord *T——r*, another of his Dozen, assisted him with their advice, but whoever drew his Answer for him, they had *Heads and Consciences*, that very well match'd his own, there being hardly a true Word in it, of which more in its due place.

On *Saturday* the 30th of *July*, the Right Honourable *Robert Walpole*, Esq; reported from the Committee of Secrecy, 'That they had directed him to exhibit further Articles of Impeachment of High Crimes and Misdemeanours against *Robert Earl of Oxford and Earl Mortimer*'; which he read in his place, and afterwards deliver'd them in at the Table, were they were read. The disaffected in all Debates about this Matter distinguish'd themselves, by Endeavours

vours to have it delay'd for Reasons already spoken of; and now the Question was put, that the further consideration of the said Articles be adjourn'd 'till the *Tuesday* following, and it pass in the *Negative*. After this it was

Order'd,

That the said Articles be read Article by Article, which was done accordingly, and with Amendments to one of them, upon the Question severally put, they were agreed to by the House, who

Order'd,

That a Clause be prepar'd for saving Liberty to the *Commons*, to exhibit any further Articles against the said Earl of *Oxford* and Earl *Mortimer*: Then the *Commons* by Reason of His Majesty's happy Accession to the Throne, which fell on *Monday* the 1st of *August*, adjourn'd to *Tuesday* the 2d, when the engross'd further Articles of Impeachment against *Robert* Earl of *Oxford* and Earl *Mortimer*, for High Crimes and Misdemeanours, were read, after which it was

Order'd,

That the Lord *Coningsby* do carry the said Articles to the *Lords*, which his Lordship did immediately.

These subsequent Articles were six in Number, and now the whole made Twenty-two Articles, which are of a great Length, but finding sixteen of them admirably well abridg'd in the *Englishman* of the 5th of *August*, I shall make use of that Abridgment, and by the Example of that Author, contract the remaining six Articles keeping the *Substance* of them, and omitting the *Form*, I shall also add the Earl of *Oxford*'s Answer to each Article, following the same Method of giving the *Substance*, and neglecting the *Form*, by which means the Reader will

H

have

have at once a clear View of both the Articles and the Answer.

The Substance of the Articles of Impeachment of High Treason, and High Crimes and Misdemeanours against Robert Earl of Oxford and Earl Mortimer, and the said Earl's Answer thereunto.

ARTICLE I.

‘**T**HAT the Earl of *Oxford*, having contrived the
 ‘ setting on foot a separate Treaty of Peace
 ‘ between *Great-Britain* and *France*, without the
 ‘ Knowledge of the Allies, advis'd Her late Majesty
 ‘ to send Mr. *Prior* into *France* with Propositions of
 ‘ Peace, one Article of which was, That the Negotia-
 ‘ tion should be kept secret, tho' the *French King* by
 ‘ Mr. *de Torcy* had offered to treat with the Ministers
 ‘ of *England* and *Holland* alone, or jointly with the
 ‘ rest of the Allies, at the Choice of *England*. This
 ‘ Conduct gave *France* an Opportunity of creating
 ‘ incurable Jealousies between Her Majesty and Her
 ‘ Allies.

Earl of Oxford's Answer to the First Article.

That he always had the greatest Regard to the Honour and Safety of Her late Majesty and Her Kingdoms, and to all Her Engagements by Treaties, that he never was in the *French Interest*. He utterly denies his setting on Foot a separate Treaty with *France*, or that he knew of any ones doing so. That Monsieur *de Torcy* sent Proposals of Peace in *April 1711*. that he believes those Proposals were communicated to the *Dutch*, who said they were weary of the War, and would join in any Measures for a good
 Peace.

Peace. That Mr. *Prior* was sent to *France* to get an Explanation of *Torcy's* offers, but he denies that he advis'd the Queen to send him, without communicating it to the Allies, or that he knew of any Power he had to make any Propositions to *France*, which betray'd the common Interest of *Europe*, or that he advis'd the inserting any Article in the Propositions to keep the Negotiation secret, but if there were, he observes, it is the right of every Member of a Confederacy so to do, that the *Dutch* made Demands for themselves in the Negotiations at the *Hague* and *Gertruydenberg*, that keeping the Secret could be no Prejudice to the Allies. That *Torcy* offering to treat with the Allies, related only to the manner of Treating, when the Conferences should be open'd. That Her Majesty was for admitting all the Allies to those Conferences, and that he does not know of any Negotiations that were contriv'd to give the Enemy power to create Misunderstandings between Her Majesty and Her Allies.

ARTICLE II.

‘ That the said Earl, without Authority, conferr'd
 ‘ with Mr. *Mesnager*, and advis'd and promoted
 ‘ the making a separate Agreement between *Great*
 ‘ *Britain* and *France*, in which even the Interests of
 ‘ *Great Britain* are given up, and the Duke of *Anjou*
 ‘ admitted to be King of *Spain*. This Agreement was
 ‘ sign'd by *Mesnager* on the Part of *France*, and by
 ‘ the Earl of *Dartmouth* and Mr. *St John* on the Part
 ‘ of *England*, by virtue only of the Queen's Sign Ma-
 ‘ nual under the Signet, and without the least Know-
 ‘ ledge of the Allies.

Answer to the Second Article.

That Monsieur *Mesnager* brought a Letter from the *French King* to Queen *Anne*, acknowledging Her Majesty Queen of *Great Britain*, that he brought

full Power to treat of a Peace. That it is usual for Privy-Counsellors in *England*, to treat with Foreign Ministers by Verbal Orders from the Sovereign. He denies that he treated with *Mesnager* unlawfully, or without Authority, or that he advis'd a separate Agreement ; He owns there were Preliminaries sign'd, and the Queen accepted of them, but he leaves it to Judgment, whether those Preliminaries can be call'd a separate Treaty ; he believes the Allies knew of them, but denies that the Duke of *Anjou* was to be admitted King of *Spain*; he says that the Queen did not then intend it ; he denies that he advis'd the Agreement sign'd by the Lord *Dartmouth* and *Henry St. John*, or that he assum'd Regal Power, or that he aim'd to dissolve the Grand Alliance by a separate Treaty.

ARTICLE III.

‘ That the said Earl contriv’d the forming a Set of
 ‘ general Preliminaries, entituled, *Preliminary Articles on the Part of France to come to a general Peace*,
 ‘ to be sign’d by the *Sieur Mesnager* only; and advis’d
 ‘ Her Majesty to accept the said Preliminaries, and
 ‘ communicate them to the Ministers of the Allies then
 ‘ residing in *England*, and afterwards to the States
 ‘ General, as the Ground of a general Negotiation of
 ‘ Peace, as if the same were the only Transactions
 ‘ that had been on this Subject between *Great Britain*
 ‘ and *France*. And that he farther advis’d, the Sign-
 ‘ ing and Delivering to the Earl of *Strafford* certain In-
 ‘ structions, which contained Matters false and pre-
 ‘ varicating ; and were calculated only to hide from
 ‘ the States-General the pernicious Measures which
 ‘ were then under Transaction in *England*.

Answer to the Third Article.

He denies his contriving the *Preliminary Articles on the Part of France*, but owns that they were receiv’d

ceiv'd by the Queen, and believes they were communicated to the Ministers of the Allies in *England*; he refers it to Judgment, whether it was Criminal to advise the receiving Articles for reasonable Satisfaction to *Great Britain* and Her Allies, especially when those Articles were not to be binding; he conceives, that any Minister might have advis'd the accepting of those Preliminaries, without offending any known Law, because the Proceedings upon those Preliminaries could not be more unsafe, than proceeding without any at all; he denies that those Preliminaries were industriously conceal'd from the Allies, &c. or that he advis'd the accepting of them, or the communicating of them to the *Dutch*, as a sufficient Foundation to open the Conferences; he owns that Instructions were sent to the Earl of *Stratford*, but they were not false and prevaricating; he owns that the Queen procur'd an Explanation of *Torcy's* first Offers, which was contain'd in *Mefnager's* Preliminaries, and that she got the Allies to enter into a Negotiation of Peace, for the Good and Ease of Her People: And he takes the Liberty to affirm, that he acted as well with Reference to the Peace, as all other Matters of State, with the highest Regard to the Honour of the Queen, and the utmost Zeal for the Welfare of Her People.

A R T I C L E IV.

' That the said Earl, by his evil Influence, render'd the Representations of the *Dutch* Minister Mr. Buys ineffectual; and either falsely declar'd, or was privy to advising and consenting, that it should be declar'd, as it was, in Her Majesty's Name, That She had made no seperate Treaty with *France*, nor ever would make any without answering all Engagements to Her Allies.

Answer

Answer to the Fourth Article.

He does not remember what was said by Mr. *Buys* to the Queen in relation to the Peace, and what was said to him was not by his Advice or Contrivance ; but he believes it was true, and the Queen's Intentions, and he does not know wherein *Mesnager's* Preliminaries were inconsistent with the Declarations made to Mr. *Buys's*.

ARTICLE V.

‘ That by the Advice of the said Earl, the Queen’s Plenipotentiaries at *Utrecht* were instructed to insist on the Restitution of *Spain* and the *West-Indies* ; ‘ tho’ it was before agreed in the private Treaty between *England* and *France*, that they should continue in a Branch of the House of *Bourbon*.

Answer to the Fifth Article.

He admits, that the Bishop of *Bristol* and the Earl of *Strafford* were made Her Majesty’s Plenipotentiaries to treat of a Peace at *Utrecht*, that then no Treaty to yield *Spain* to any Branch of the House of *Bourbon* had been negotiated, that at first the Duke of *Anjou* was to have *Savoy* and *Sicily*, and the Duke of *Savoy*, *Spain* and the *Indies*, that he heard the Queen say, *She believ’d the Prospect King Philip had of succeeding to the Crown of France, would be an Inducement to him to be easy with that Allotment.* And *France* would be better pleas’d to have *Savoy* and its Dominions, than that *Spain* should be left in a younger Branch of the House of *Bourbon*, under Condition of a Renunciation of the Crown of *France*. That King *Philip* afterwards refus’d to accept of *Savoy*, and thinks no Minister can be safe if he is charg’d with advising Instructions, which by intervening Circumstances become improper, which, however, he

he does not admit, or that he ever was in any Confederacy with the Enemy's Ministers to impose on the Allies.

ARTICLE VI.

' That the said Earl, during the Time the Negotiations at *Utrecht* were delay'd and kept in Suspence, continu'd a seperate and unjustifiable Negotiation with *France*, directly from *England* to *France*; and concerted with the Ministers of the Enemy, Terms of Peace highly Prejudicial to the Interests of Her Majesty and Her Allies.

Answer to the Sixth Article.

That he is perswaded, the Queen and Her Ministers acted in perfect Confidence with the Allies, and to promote the common Interest by the Conferences of Peace at *Utrecht*; that he knows not that any of the Queen's Ministers contributed to delay those Conferences, by encouraging the *French* to refuse to answer the Demands of the Allies in Writing; that if any Minister did write from *England* to *France* about particular Points by the Queen's Authority, he doth not apprehend it to be against Law; that he knows of no Negotiation carry'd on without the Knowledge of the Allies. He denies that he assum'd Regal Authority, or promoted the Enemy's Designs in Violation of the Queen's Alliances, or concerted any Terms of Peace prejudicial to the Interest of the Queen or Her Allies.

ARTICLE VII.

' That the said Earl treacherously advis'd Her Majesty to accept a Renunciation, which had been declar'd void even by the Minister of *France*.

Answer

Answer to the Seventh Article.

He never advis'd Her Majesty to let the Duke of *Anjou* keep *Spain*, or to accept of his Renunciation of *France* ; he never heard of any Memorial about it sent from *Torcy* to any Minister in *England*. But he does not see why he might not have advis'd it, rather than continue the War, and if there was such a Memorial about the Invalidity of the Renunciation ; he believes it was design'd by the Court of *France* to hinder it only, because it would more effectually prevent the Union of the Two Crowns ; he never gave any Advice that betray'd the Common Cause, and does not believe the Queen could be engag'd in any Deceit with *France*, whatever Credit he had, he always made use of it for Her Service, and Her People's good.

ARTICLE VIII.

' That notwithstanding the Queen had recommended
' to Her Parliament to make Provision for an early
' Campaign, and that vast Supplies were granted
' for that Purpose ; and that the States-General had
' been frequently assur'd, in Her Majesty's Name,
' that Her Intentions were to carry on the War with
' Vigour in concert with them ; and that the Confe-
' derate Army, the finest and strongest that had been
' seen during the War, was marched, in Agreement
' with Her Majesty's General, almost to the very
' Frontiers of the Enemy ; notwithstanding all this,
' the said Earl was privy to Consenting and Advising,
' that an Order should be sent, in the Queen's Name,
' to the Duke of *Ormond* in *Flanders*, to avoid enga-
' ging in either Siege or Battle, till farther Orders ;
' though nothing was then settled for the Interest of
' *Great Britain*, and tho' the King of *Spain* had not yet
' consented to the Renunciation of his Right to the
' Crown of *France*. The said Earl did likewise advise,
' that

that Orders should be sent to the Bishop of *Bristol*, to take the first Opportunity to declare to the *Dutch* Ministers, That Her Majesty look'd on Herself to be under no farther Obligation to them : And after the States had by Letter besought the Queen in the most moving manner to desist from Her Declaration, and revoke the Orders given to the Duke of *Ormond*, he wickedly advis'd Her Majesty to disregard and reject their Request ; by which perfidious Counsels the best Opportunity that ever offer'd for the common Cause was lost ; the Confidence between Her Majesty and Her Allies entirely destroy'd, and the Affairs of *Europe* given into the Hands of the *French* King.

Answer to the Eighth Article.

He allows Provisions were made at a great Expence for an early Campaign, that the Duke of *Ormond* was instructed to declare the Queen's Resolution of carrying on the War ; but he does not know how near the Confederate Army was to the Enemy, or whether they were superior to them in Number, or whether they could have better'd their Affairs by a Battle or Siege, but it is obvious any Miscarriage would be fatal ; that the Queen was unwilling to hazard Her Subject's Blood, when the Peace was so near a Conclusion, that 'twas owing to Her Piety and Her Knowledge of some matter depending, that Orders were sent to the Duke of *Ormond* to avoid a Battle or Siege, that the Queen might send such Orders as well as the States-General, who had frequently done it, and that their Deputies had refus'd Fighting, when there was probability of Success. That he does not know that any *French* Minister express any Apprehension from the Bravery or Number of the Confederate Army, nor did he ever hear of any sure Prospect that Army had of gaining new Conquests. But he has heard, that the *French* Army was superior to them in Num-
ber

ber, especially in Horse, however he did not Advise or Consent to the Order sent to the Duke of *Ormond*, or the Order to the Queen's Plenipotentiaries at *Utrecht* to tell the *Dutch* Ministers, that she lookt upon Her self to be then under no Obligation to them; he knows not what Alarm the Allies were in, or what Application they made upon it to the Bishop of *Bristol*, they made none to him; he was not acquainted with that Affair, and so could give no Advice about it. That he never gave any Counsels, by which the Progress of the Victorious Arms of the Confederates was stopt, or the Confidence between Her Majesty and Her Allies was destroy'd, or the *French* King made Master of the Negotiations of Peace.

ARTICLE IX.

‘ That the said Earl concerted with the *French* Ministers, Measures for the withdrawing the Troops in Her Majesty's Pay from the Confederate Army; and afterwards took upon him to stop the Pay of those Foreigners who refus'd to follow the Duke of *Ormond*, and leave the Confederates to the Mercy of *France*.

Answer to the Ninth Article.

He knows nothing of any Concert between the *British* and *French* Ministers, to seperate the Troops in *British* Pay from the rest of the Confederate Army, and therefore could not advise against it; he never advis'd that they should separate, but if the Duke of *Ormond* would not join in the Siege of *Landrecy*, 'tis no more than the Generals of other Potentates have done in the like case, refusing to comply with what was propos'd by the Duke of *Marlborough*; he has heard that the Confederates seperated from the Duke of *Ormond*, and carry'd the *British* Auxiliaries with them, though the Duke requir'd

requir'd them to stay with him, and this Disobedience of theirs to the Queen's General's Orders, occasion'd their Pay being stop'd. That he could not pay them without the Queen's Warrant, which he never receiv'd; that he desir'd the Ministers of the Allies, whose Troops separated from the Duke of *Ormond*, though paid by the Queen, to apply to Her Majesty for Warrants; that he knew nothing of the Duke of *Ormond*'s Separation, and therefore could not advise it. He submits to Judgment, whether all the Disasters that happen'd afterwards might not have been prevented by a Compliance with the Queen's Measures.

ARTICLE X.

' That the said Earl entred into a Treaty with the
' *French* Ministers for a Suspension of Arms by Sea
' and Land between *Great Britain* and *France*, and
' for that Purpose advis'd Her Majesty to send Lord
' *Bolingbroke* to the *French* Court with Powers to
' conclude the said Suspension: All which was trans-
' acted not only without the Knowledge of the Al-
' lies, but before any Terms of Peace were settled
' with the Enemy, either for *Great Britain* or the
' Confederates.

Answer to the Tenth Article.

He denies that he carry'd on a Treaty for a Suspension of Arms with *France*, or advis'd Her Majesty to send Lord *Bolingbroke* thither; he does not know that Lord *Bolingbroke* made that Treaty without the Participation of the Allies, but he believes that Suspension was only a Continuation of a former Cessation of Arms, into which the Confederates were invited; he believes also the Queen might desire it, as being a thing usual among Princes in War, for the Benefit of the Trade of Her Subjects, but he does not believe the Queen did intend to violate Her

Treaties with the Allies by it, or deprive them of the Assistance to which they were thereby Entitul'd, or expose them to the Insults of the Enemy, nor does he discern how that could be, unless it was their own fault ; he never entertain'd the least thought of hindering Her Majesty from resuming the War, if it had been thought fit, or of weakening the Union between Her Majesty and Her Confederates.

ARTICLE XI.

' That the said Earl, while the War continu'd between *France* and *England*, did, contrary to his Allegiance, traiterously advise the *French* how to gain *Tournay*, tho' *Tournay* was then in Possession of the States-General, tho' the King of *France* himself had consented it should remain as part of their Barrier, and tho' the Queen's Plenipotentiaries were instructed to demand it for them.

Answer to the Eleventh Article.

He believes the Queen's Plenipotentiaries had Orders to insist, that *Tournay* should be left to the *Dutch* as part of their Barrier, and that the *French* King did at one time incline to it ; he allows there was a War between that King and the Queen after *October* 1711, but he believes the Queen and the States-General had then given full Powers to their Ministers to negotiate a Peace. That the *French* King did then insist upon having *Tournay* restor'd to him, and the *Dutch* desir'd the Queen to interpose in their Behalf that they might keep it, which she did, and he believes they did keep it, but he denies that he did adhere to, or help the *French* King, or advise the Enemy to what Methods they might gain that Town ; on the contrary, he did his utmost to preserve it in the State's Barrier. That during the Negotiations of Peace, he acted only as a Privy-Coun-

Counsellor, and does insist that it is not High Treason for any Counsellor to advise the giving up any Town for the sake of Peace; that such Construction might hereafter deprive the Crown of the Advice of Privy-Counsellors in matters of the greatest Importance, by deterring them from giving such Advice, which would overthrow all means of restoring Amity among Princes, and render the Law in case of High Treason uncertain.

A R T I C L E XII.

‘ That the said Earl, during the Time the Nation
‘ carry’d on an open War against the Duke of *Anjou*,
‘ in order to dispossess him of the *Spanish* Monarchy,
‘ did, contrary to his Allegiance, concert with Her
‘ Majesty’s Enemies Measures for yielding up *Spain*
‘ and the *West-Indies* to the said Duke of *Anjou*.

Answer to the Twelfth Article.

He does not admit Queen *Anne* was so oblig’d, and denies that he assisted the Duke of *Anjou*, or concerted the yielding up *Spain* to him, that he acted in the Negotiations of Peace as a Privy-Counsellor and Minister of State, and no otherwise.

A R T I C L E XIII.

‘ That the said Earl, contrary to the express Pro-
‘ vision of an Act of Parliament, to the frequent Re-
‘ presentations both of the Merchants and the Com-
‘ missioners for Trade, contrary to Her Majesty’s
‘ Assurances from the Throne, That she would pro-
‘ cure for Her Subjects such Advantages in Commerce
‘ as should compensate the Expences they had born in
‘ the War, contrary even to the Principle laid down
‘ in the separate Negotiations, That *France* should
‘ consent to Adjust the Interests of *Great Britain* in
‘ the First Place; the said Earl did Advise Her Ma-
‘ jesty

' jesty to consent, That the *French* should have Liber-
 ' ty of Fishing, and of drying Fish on *Newfoundland*,
 ' and to make a Cession to *France* of the Isle of *Cape*
 ' *Breton*, with Liberty to fortify the same; though
 ' *Cape Breton* was part of the Ancient Territories of
 ' the Crown of *Great Britain*, and though Her Ma-
 ' jesty had declar'd from the Throne, that *France* had
 ' consented to make an absolute Cession of *Nova Sco-*
 ' *tia* or *Acadia*, whereof *Cape Breton* is part. He al-
 ' so advis'd Her Majesty to consent, that this should
 ' be made an Article in the Treaty of Peace, though
 ' the Advantages pretended to be stipulated for *Great*
 ' *Britain*, were only inserted in the Treaty of Com-
 ' merce, and consequently depended on Conditions
 ' to be made good by Act of Parliament; and advis'd
 ' Her Majesty to ratifie this Article in the said Trea-
 ' ty of Peace.

Answer to the Thirteenth Article.

He believes the Queen had a just Regard to Trade,
 and made those Declarations from the Throne, that
 she thought it reasonable the Interests of *Great Bri-*
tain should be in the first place adjusted, but does
 not know that it was laid down as a Principle be-
 tween the Ministers of *Great Britain* and *France*,
 thereby to enable the Queen to make the Conclu-
 sion of the Peace easy to *France*; he absolutely de-
 nies that he was engag'd in Concert with *France* in
 any Negotiation destructive to his Country, but
 always had the most sincere Desires to advance the
 Commerce of *Great Britain*, for whose Service he
 has always been ready to Sacrifice himself; he knows
 not that he has in any thing fail'd in his Duty, in
 not procuring Advantages for Trade; he does not
 admit that he advis'd the late Queen to send any
 Proposition to Mr. *Prior* in *France*, or that the Pre-
 liminary Articles should be Sign'd; he believes the
 Discussion of the Affairs of *Newfoundland* were re-
 ferr'd to future Conferences, and entering into Con-
 ferences

ferences about giving the *French* Liberty to Fish, is not yielding it to them ; he denies that he advis'd the Demands of *Great Britain* in point of Commerce should be made loose, or the Liberties insisted on by *France* given up ; he believes when the Advantages obtain'd for the Trade of *Great Britain* in the *Affiento*, the Liberty of Trading to the *Spanish West-Indies*, the Cession of *Acadia*, *Hudson's-Bay*, *St. Christopher*, *Port Mahon*, *Gibraltar*, and the Demolition of *Dunkirk* are consider'd, it will not be thought that the Commerce of *Great Britain* was neglected in the late Peace ; he knows not that *France* was at any time Master of the Negotiations ; he denies that he engag'd the Queen in any Private Treaties without Security for Trade, or contriv'd with the Ministers of *France* to keep that Matter in Suspence, or hinder'd any Advantages for it ; he does not admit that he advis'd the Ninth Article of the Treaty of Commerce, but says there is nothing positively agreed upon in it, and hopes it will not be thought Treachery to refer any Article to the Judgment of Parliament ; he denies that he advis'd to give the *French* Liberty of Fishing at *Newfoundland*, but thinks it will not seem unreasonable considering the *French* were in Possession of a great part of that Island, and were allow'd to keep it by the *Ryswick* Treaty ; he knows not that the Agreement with *France* relating thereto is contrary to an Act of Parliament, because he supposes our Acts could only relate to that part of *Newfoundland*, which we were in Possession of, and we did not possess that part where the *French* are allow'd to Fish ; he denies he advis'd the Queen to make a Cession of *Cape Breton*, and does not know that it is part of the Territories of *Great Britain*, nor apprehends that the Queen meant it when she spoke of *Acadia*, which is part of the Continent, and that an Island ; he doubts not to make it appear, that the Subjects of *Great Britain* have enjoy'd great Benefits in Trade by the late Peace ; he denies that he frustrated the Queen's
good

good Intentions about it, or render'd it precarious ; he observes its flourishing Condition with Satisfaction, the encrease of the Shipping, of the Exports of our Woollen Manufactures, Fish, &c. of the Customs and the Coinage, and that the Exchange to and from all parts of *Europe* has been in favour of *Great Britain*.

A R T I C L E XIV.

“ That the said Earl advis'd Her Majesty to demand of the *French King* the Kingdom of *Sicily* for the Duke of *Savoy*, even without any Application from that Prince ; and prevail'd on Her to assist him against the Emperor, with a Fleet at her own Expence, in taking Possession of the said Kingdom ; so that the Faith of Nations, and the Honour of the Crown was not only sacrific'd, but the Naval Power of *Great Britain*, and the Supplies granted by Parliament for reducing the Common Enemy, were perfidiously employ'd against the Great and Faithful Ally of this Kingdom.

Answer to the Fourteenth Article.

He does not admit that he form'd any Design to give *Sicily* to the Duke of *Savoy*, or consented to any Treaty, wherein the Cession of that Kingdom is made to that Duke, that the Queen was prevail'd on by his Advice to assist him with Her Fleet against the Emperor to obtain it ; he observes, that by the Grand Alliance, *Sicily* was to be recover'd out of the Hands of the Enemy, not only for a reasonable Satisfaction for the Emperor, but for the Security of the *British* Trade, that the giving up so great a part of the *Spanish* Monarchy to His Imperial Majesty, as *Flanders*, *Milan*, *Naples*, &c. seems a reasonable Satisfaction for his Pretensions to the Crown of *Spain*, and our Trade is as well secur'd by *Sicily's* being in the Hands of the Duke of *Savoy*, as if 'twas

in the Emperor's, to whom King *Philip* would not so easily have yielded it. That there were Grounds to believe, the Princes and States of *Italy* would rather have suffer'd any Extremities, than have left *Sicily* in the Emperor's Possession, together with *Milan* and *Naples*, therefore to give it to the Duke of *Savoy* was not unjust or pernicious, or a Violation of the Grand Alliance. Nor does the Earl remember 'twas contradictory to any Declaration of Her Majesty, or Instructions to Her Plenipotentiaries, and had the Queen assisted so great a Sufferer for the Common Cause as that Duke was, he is not able to discover why she might not have done it. And since it is allow'd, that the said Duke never made any Application to obtain the said Kingdom; it cannot be suppos'd, that those that advis'd the Queen to get a Cession of it in his favour, had any Interest in it in View, but for the good of Trade.

ARTICLE XV.

' That the said Earl made Use of his Credit with
' the Queen to deceive the Parliament; and prevail'd
' on Her, on many Occasions, to declare from the
' Throne, Things which were notoriously False, in
' order to remove the just Suspicions which had been
' conceiv'd of his separate Negotiations with *France*,
' to prevent the Faithful Advice of Parliament to Her
' Majesty, and to obtain a Sanction to his own Traite-
' rous Practices.

Answer to the Fifteenth Article.

He never took upon him any Arbitrary Authority, nor prostituted the Honour of the Crown or Dignity of Parliament, by representing the late Negotiations of Peace to deceive the Queen, Her Allies, or Subjects, nor advis'd Her Majesty to make any Speech that was not conformable to Truth. That, with respect to what the Queen said of the

Compliance of the States-General in the matter of the Treaty, 'twas so declar'd to Her and Her Ministers by Mr. *Buys*, who on his Arrival at *London*, deliver'd Pass-ports for the *French* Ministers to come to *Utrecht*, and approv'd of sending Circular Letters to invite the rest of the Allies to send their Ministers to a General Congress, that this was after the Representations against it; and he doubts not, but those that will consider seriously all the Steps Her Majesty took in these Negotiations, will acknowledge she did Her utmost to procure reasonable Satisfaction for the Emperor and Her Allies, and to unite them in the strictest Engagements, and if she was prevented by their extraordinary Demands or Groundless Jealousies, this will not derogate from the Truth of Her Expressions. 'Tis evident she procur'd for them such Satisfaction, that all of them but the Emperor sign'd the Peace at the same time with Her. 'Tis well known, the Emperor's Interests were so near being adjusted, that 'twas not thought fit to delay so good a Work on that Account, especially since it has been usual for the Emperors of *Germany* to decline signing Treaties when their Allies did. He denies that a separate Peace, or a Peace disadvantageous to the Emperor, or any of the Allies was made by his Influence; he offers it to consideration, whether after the Queen had so earnestly insisted on *Philip's* quitting *Spain*, that *France* came into it, but the Duke of *Anjou* would not, whether, I say, it was not for the Interest of the Common Cause to accept of his Renunciation of *France*, rather than renew so burthensome and bloody a War, especially when the Interests of the Princes and States of *Europe* were chang'd by the King of *Spain's* being chosen Emperor. He does not however think it probable, that the leaving *Spain* to the House of *Bourbon* was the Foundation of the Preliminaries sign'd by *Mefnager*, which is call'd a Private Treaty, because he believes *Spain* was then design'd for another Prince; he does not observe how it can be thought a Falsity, when

when Her Majesty said, *The Reports of Her carrying on a separate Peace were Groundless*; he denies that he ever carry'd on any separate Measures with the *French Ministers*; he does not think the *Renunciation* merely *speculative*, but that it really was of such a Nature *as would execute it self*, and effectually divide the Two Crowns for ever, because it gave a Title to the Duke of *Orleans*, who would not want Will nor Power to possess himself of the Crown of *France*, in Opposition to the Prince that had *renonc'd it*, nor can he think that if any *French Minister* had declar'd such Renunciation to be Invalid, that it was a sufficient Reason for Her Majesty to decline it.

ARTICLE XVI.

‘ That the said Earl, intending to subvert the establish'd Constitution of Parliament, and to destroy at one fatal Blow the Freedom and Independancy of the House of Lords, advis'd Her Majesty to create Twelve new Peers; by which that valuable Prerogative was perverted to the Dishonour of the Crown, and the great Danger of the Constitution.

Answer to the Sixteenth Article:

He insists that it is the undoubted Right of the Crown to create Peers, as well in time of Parliament as out of it; that it is always done, *ex mero motu*, and that either as High Treasurer or Privy-Counsellor, he could not have any Knowledge of the same; however, he does believe, had Her Majesty consulted him about the Persons she intended to create, he should have highly approv'd of Her Majesty's Choice. That this Prerogative has been extended as far in other Reigns, particularly King *Henry VIII's*. King *James I's*. and His late Majesty King *William's*; he adds, that he has always lov'd the Constitution, and done his utmost to preserve it.

ARTICLE XVII.

' That when the Dangerous and Destructive Ex-
 ' pedition to *Canada* was a Foot in the Year 1711.
 ' design'd to weaken the Confederate Army in *Flan-*
 ' *ders*, and dissipate the Naval Force of this King-
 ' dom, he industriously absented himself from
 ' Meetings of Persons in High Trust, wherein the
 ' said Expedition was concerted, and instead of
 ' doing what he could to prevent, he did advise the
 ' Queen to consent to it, though he knew that
 ' Project, after having been well deliberated before,
 ' had been laid aside as impracticable. That he
 ' paid 28000*l.* under pretence of Arms and Mer-
 ' chandize for the said Expedition, though he su-
 ' spected it was an unjust Demand, and when he
 ' discover'd, that it was really so, he hinder'd the
 ' Parliament's examining into it that he owns all;
 ' this in a Memorial under his own Hand to the late
 ' Queen, and boasted of his doing it as a meritorious
 ' Act.

Answer to the Seventeenth Article.

He denies that he advis'd or consented to that Expe-
 dition, or to detach any Forces from *Flanders* for it.
 That he had heard of such a Project having been be-
 fore deliberated and laid aside for that time, but had
 not been fully appriz'd of the whole Matter, nor
 was so well vers'd in the Affairs of that part of the
 World as others, and least it should miscarry he
 did all his Duty requir'd to prevent it; he there-
 fore did not think it proper to be at Meetings a-
 bout it; besides, there had been but few of those
 Meetings when a Misfortune befell him, which con-
 fin'd him to his Bed; he denies that he knew that
 the said Expedition was destructive, or had ever
 been laid aside as impracticable, but only as impro-
 per then, and others better vers'd in such Affairs,
 judg-

judging it proper and practicable ; he did not think it became him on the strength of his own Judgment to oppose it, since, if it had succeeded, it would have been a great Blow to the Trade of *France* in those Parts of the World. He hopes it is an Evidence of his Fidelity that he discourag'd it, but is satisfy'd those that promoted it meant well ; and he does not believe the Confederates suffer'd for want of the Battallions detach'd from *Flanders*, her Majesty's General having Orders to provide other Forces in their place if he thought necessary. He says he put a stop to the Payment of the 28000*l.* till he had the Queen's positive Orders to pay it, that he could not discover any just Cause why it should not be paid, nor did he find upon Examination of the matter, sufficient Proof to justify the laying it before the House of *Commons*, who have not found any Fraud since the Papers relating to it have been in their Power. He hopes it was no fault in him to make use of his Skill, to hinder the Parliament's examining an Affair before a proper Proof could be had, since by that means it would be likely for ever to escape unpunish'd. He thinks it a Matter of particular Hardship, and inconsistent with the Rules of Honour and Decency, if Papers written to Her late Majesty for Her own private Perusal, should be imputed to any as a Crime, and doubts not if any thing can be alledg'd out of his Memorial against him, there would appear in other private Papers what would justify him in many Particulars he is charg'd with.

ARTICLE XVIII.

‘ That in the time of a most expensive War and
 ‘ heavy Taxes, he made an ungrateful Use of his
 ‘ ready Access to Her late Majesty, to advise Her,
 ‘ and prevail with Her to sign a Warrant for 13000*l.*
 ‘ for special Services of the War, which was Issu'd
 ‘ in the Name of *John Drummond*, Esq; and assign'd
 ‘ by

' by the said *Drummond* to him, and accordingly
 ' the Money dispos'd of to his own private Use.
 ' That he afterwards got a particular Grant of the
 ' said Money to himself from Her late Majesty,
 ' which Grant or Warrant he presum'd after his
 ' Corruption was discover'd, to send to the Com-
 ' missioners of the Treasury desiring to have it en-
 ' ter'd, but it was refus'd.

Answer to the Eighteenth Article.

He admits of the Warrant for the 13000*l.* to
Drummond, but takes the Words for *Special Services*
of the War to be insert'd by Mistake ; he acknow-
 ledges he receiv'd Tin Tallies of the said *Drummond*
 for that Sum, and dispos'd of them to his own use,
 Her Majesty having often prest him to accept of some
 Money, and he so long refus'd it, that at last Her
 Majesty was pleas'd to say, *She resolv'd to have it*
done, and those Tallies were the Money she gave
 him out of Her Royal Bounty. That he made use
 of Mr *Drummond's* Name, knowing he had been
 employ'd by the late Earl of *Godolphin*, in borrow-
 ing Money upon Tin Tallies at Low Interest. That
 he believes Mr. *Lowndes* drew the Grant or War-
 rant from the Queen, to appropriate those Tallies
 to his own use, and knows not how it was omit-
 ted to be enter'd in the Treasury, that he sent a
 Copy of the said Warrant to the Officers of the
 Treasury, hearing there was a Talk about the
 13000*l.* without signifying any desire to have the
 same enter'd, well-knowing it receiv'd its Authori-
 ty from the sign Manual ; he says, the Queen gave
 him that Sum out of Her meer Bounty, in Reward
 of his faithful Services and Sufferings, and takes
 Notice that larger Grants have been made from the
 Crown in time of as great Necessity, that he never
 was Guilty of Corruption, or abus'd Her Majesty's
 Goodness, or embezzled the Publick Treasure, or in-
 jur'd Her Subjects, that he always contented him-
 self

self with the accustom'd Profits of his Employments, that he never made any Advantage of disposing of Places, that he never had any Pension, that he came with clear Hands into the Service, and went out with almost Empty, having spent the Profits of it, and very inconsiderably augmented his Fortune.

A R T I C L E X I X .

‘ That about *July 1712*, he sent *Matthew Prior*, Esq; an Instrument of his own into *France*, for the carrying on his separate Negotiations, and afterwards prevail’d on Her Majesty to send him as Her Plenipotentiary to the *French King*, without any Communication with Her Allies, for the promoting his private separate and dangerous Practices with the Ministers of *France*. That he combin’d with the said *Matthew Prior*, to defraud Her Majesty of very great Sums, under Colour of his Employments in *France*, and to that End contriv’d he should have no settled Appointment; that he gave him an unlimited Credit, and promis’d to pay what Bills the said *Prior* should draw upon him during his Residence in that Kingdom; that accordingly in less than Two Years, the said *Prior* drew on the said Earl 12360*l.* which he the said Earl advis’d the late Queen to sign Warrants for Payment of, and the said Warrants were countersign’d by him as High Treasurer, though the said *Prior* was not Entitul’d to such Allowances, which exceeded the Allowance then to an Ambassador of the Crown of *Great Britain*; that without any Colour of Authority, and for promoting his wicked Purposes, he prevail’d on Her Majesty to sign Warrants for 5566*l.* to the use of *Thomas Harley*, Esq; his near Relation and Emissary; that he has illegally paid other large Sums to other Persons, and open’d a way for the most dangerous Corruptions.

Answer

Answer to the Nineteenth Article.

That the Warrants to Mr. *Prior* were Sign'd in the usual Form, and the Payment of the Sums of Money being by Her Majesty's Authority ; he conceives it was not only lawful, but his Duty to pay it. That he knows not of any Law for certain Appointments to *British* Ministers in Foreign Courts, but that Her Majesty might vary them as she thought fit ; he believes Ambassadors have been allow'd more than Mr. *Prior* had, whom he allows to have been sent into *France* for Her Majesty's Service to carry on the Negotiations of a General Peace ; he denies that he was his Creature, or that he sent him to *France*, or that he carry'd on any Negotiations of his, or that he advis'd the Queen to send him without the Privy of the Allies, or that he combin'd with him to defraud Her Majesty of any Sums of Money, or that the said *Prior* was sent to *France* without a settled Appointment for that end, or that he gave him Credit, or promis'd to pay any Bills of his other than what he should be duly authoriz'd to pay: That *Thomas Harley*, Esq; was twice sent to the Court of *Hanover*, and that the Money paid to him was by Her Majesty's Authority, and he believes it would have amounted to a greater Sum, had he been paid according to the Allowance to Ambassadors.

ARTICLE XX.

‘ That notwithstanding the Acts which make it
 ‘ High Treason, to keep any Correspondance with
 ‘ the pretended Prince of *Wales*, or any Person employ'd by him, he the said Earl of *Oxford*, by
 ‘ means of the said *Matthew Prior*, held a private
 ‘ Correspondance with the Consort of the late King
 ‘ *James*, who also empower'd Abbot *Gaultier*, a
 ‘ *Popish* Priest, and Agent for the *Pretender*, to concert with the said Earl the Yearly Payment of
 ‘ great

' great Sums of Money out of Her late Majesty's
 ' Treasury, to the said Consort of the late King
 ' James; that he held frequent Conferences with
 ' the said Abbot about it, and agreed for the Pay-
 ' ment of the Yearly Sum of about 47000*l.* to the
 ' said Consort, the nearest and most avow'd Adhe-
 ' rent of the *Pretender*; that he advis'd Her late
 ' Majesty to sign a Warrant for the Payment of a-
 ' bove 37000*l.* part of that Yearly Sum, to the use
 ' of the said King James's Consort; that he himself
 ' Sign'd several Warrants to the Auditor of the *Ex-*
 ' *chequer*, for passing Debentures for Payments of
 ' several Sums to the said Consort's use, out of the
 ' 500000*l.* granted to Her late Majesty, to discharge
 ' the Debts of the Civil List, in Contempt of the
 ' exprefs Appropriation thereof, for the use of the
 ' open and avow'd Adherent of the *Pretender*.

Answer to the Twentieth Article.

He denies his holding any Correspondence with
Mary, late Consort of King *James*, by means of Mr.
Prior, or any one else, nor does he know that Ab-
 bot *Gaultier* was employ'd to transact Affairs rela-
 ting to the *Pretender*; he denies that he had any
 Conferences with him on that Subject, nor does he
 know that Abbot *Gaultier* was empower'd to concert
 with him, the Payment of those Sums to the said
 Consort of the late King *James*, nor did he under-
 take to procure the Payment of any Yearly Sum to
 her; he admits, that the Funds out which Her Re-
 venues were directed to be paid by King *James*,
 were appropriated to the Expence of the War by
 several Acts of Parliament; he admits also, that the
 500000*l.* was appropriated to the Uses mention'd in
 the Twentieth Article, but says he has heard, that
 the said late Consort empower'd Mr. *Gaultier* to
 demand and receive what Sums were due to Her,
 by Virtue of Her Appointments from King *James*,
 since the Peace. That *Gaultier* apply'd to the Queen

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for

for Payment of them, the Queen sign'd a Warrant accordingly, and he in pursuance thereof directed the Payment of the Money, he denies that he advis'd the Queen to sign it, but when the Warrant was brought him, and he knew that King *James's* Appointments to his late Consort were confirm'd by Act of Parliament, and had heard Provision was made for them by a private Article of the *Ryswick* Treaty, and Her Majesty's Council Learn'd in the Law did not doubt the Legality of paying the said late Consort, he thought it his Duty to pay Obedience to Her Majesty's Warrant, and the 500000*l.* being design'd for the discharge of Her Majesty's Debts, and the Money mention'd in the Warrant, being, as he was advis'd, a Debt of Her Majesty's, he directed the Payment of it out of the said 500000*l.* yet it was not paid out of it, but the whole 500000*l.* apply'd to other Uses, for which it was appropriated; he admits that the Present was made the said *Gaultier* by Order of Her Majesty, and believes it was, because the Abbot had been Instrumental in procuring the Release of poor Protestants from the Gallies, which King *William* could never get done.

A R T I C L E XXI.

‘ That about the Year 1712, *Patrick Lilech*, commonly call'd Sir *Patrick Lawless* (who had been in Arms against King *William* and Queen *Anne*) came into this Kingdom, pretending to be a Minister from *Philip* King of *Spain*. That having given Notice of his coming to the said Earl, instead of advising Her late Majesty not to admit of him as such, he being under the Guilt of *High Treason*, did advise Her Majesty to receive him as King *Philip's* Minister, that the said Earl had frequent Conferences with the said *Lawless*, and advis'd that he should be introduc'd to the Queen, and receiv'd as the King of *Spain's* Agent, under the false Name of *Don Carlo Moro*; that the House of
Lords

' *Lords Address* for a Proclamation, to seize all
 ' Persons that had born Arms against King *William*
 ' or Queen *Anne*, who were then in *England* con-
 ' trary to Law, and *Resolv'd*, That no such Person
 ' ought to be receiv'd as a *Publick Minister*; not-
 ' withstanding which, the said Earl was so far from
 ' doing what in him lay to apprehend the said *Law-*
 ' *less*, that he advis'd Her Majesty to sign a War-
 ' rant for Payment of 1000*l.* to *Daniel Arthur*,
 ' Esq; for special Uses, which being accordingly
 ' paid, he directed the said *Arthur* to pay the same
 ' to the use of the said *Lawless*, that he had in a
 ' fictitious and scandalous manner directed the Pay-
 ' ment of other Sums to the said *Lawless*, though
 ' he had been the *Pretender's* Agent at the Court
 ' of *Madrid*, and was strongly suspected to come
 ' into *England* to promote his Interest, by which
 ' the said Earl did greatly encourage his open Ad-
 ' herents to the apparent Danger of the Protestant
 ' Succession.

Answer to the Twenty first Article.

' The Earl believes a Person stiling himself *Lilech*
 or *Lawless* did come into *England* about the time
 mention'd in the aforesaid Article, with Letters of
 Credence from the King of *Spain*, to treat about
 carrying *British* Merchandizes to the *Spanish West-*
Indies, that the Queen was pleas'd to admit such
 Person with such Letters of Credence, and before
 he return'd to *Spain*, to order the Sum of 1000*l.* to
 be paid out of the Money appropriated to the Civil
 List for the use of such Person, and he the said Earl
 humbly apprehends 'twas his Duty to pay it; but
 he believes, when the said *Lawless* was so admitted,
 he was generally thought to be a natural *Spaniard*,
 and that he expected a larger Present for the Li-
 cences he brought for carrying *British* Merchandizes
 to the *West-Indies*; the said Earl denies that he
 knew of his coming before he came, or of his being

come before he had been introduc'd to Her Majesty by a Noble Lord, who did not then know he was other than a Native of *Spain*, and the said Earl took him to be such a long time after he had been so introduc'd, but afterwards he was inform'd he was a Native of *Ireland*, had been out of that Kingdom from his Youth, and had serv'd the King of *Spain*, but he did not know that he had been Guilty of *High Treason*, or had been in Arms against King *William* or Queen *Anne*, that what he did with respect to the Money paid him, was by the Queen's Authority, as were also his Conferences with him, if any such there were, to treat of the Affairs he came about, which however he does not admit; he denies he advis'd Her Majesty to sign the Warrant for the Payment of the Money; he admits there were other Sums paid him as part of the *Assiento* Contract, but no otherwise; he denies that he advis'd the introducing of the said *Lawless* under the disguis'd Name of *Don Carlo Moro*, or had the least Knowledge of the said *Lawless's* having been the *Pretender's* Agent at *Madrid*, or the least Suspicion that he was sent into *England* to promote the *Pretender's* Interest, or has done any thing to encourage his Adherents to the Danger of the Protestant Succession, but on the contrary is perswaded, his Conduct in that Affair is so well known, as not to need any further Justification. But if it should at any time be thought necessary, he is able to produce those Proofs of it, which are the best Authority in the World for his Vindication.

ARTICLE XXII.

‘ That after Her late Majesty had prevail'd with
 ‘ the *Catalans* to take Arms against *Philip* Duke of
 ‘ *Anjou*, and had by Her Minister given them Assu-
 ‘ rances to procure the Establishment of all such
 ‘ Rights and Immunities, as they had formerly en-
 ‘ joy'd under the House of *Austria*, if they receiv'd
 ‘ King

King *Charles III.* as lawful King of *Spain*, that she wrote to them to depend upon Her Promises by Her Agent *Mr. Mitford Crow*, that she gave Her Instructions to the Earl of *Peterborough*, and Sir *Cloudsley Shovel*, to do their utmost to induce the said *Catalans*, to join with them, to assure them of Her Support, and to promise she would secure to them the Confirmation of their Rights and Privileges, and if they refus'd, even to Attack them, that a Declaration to this Purport was prepar'd with the Privity of the said Earl, at that time one of Her Majesty's Principal Secretaries of State, that the *Catalans* upon these Royal Assurances utterly abandon'd the House of *Bourbon*, acknowledg'd King *Charles III.* and join'd their Arms with Her Majesty against the Duke of *Anjou*, that after many Glorious Successes in the Progress of the War, wherein the Bravery and Firmness of the *Catalans* were always remarkable; he the said Earl treacherously Conspiring with the Ministers of *France*, for subjecting the whole Monarchy of *Spain* to the House of *Bourbon*, and designing the Destruction of the Rights, Liberties, and Privileges of the *Catalans*, did form a most wicked and cruel Contrivance, not only to abandon them to the Revenge of the Duke of *Anjou*, but for the final Extirpation of their Rights, Liberties, and Privileges, and did advise Her Majesty before any Peace was made with *Spain*, to give Directions to the Lord *Lexington* to acknowledge the Duke of *Anjou* as King of that Kingdom, without insisting on the Security of the Liberty of the *Catalans*, and by separate and treacherous Practices necessitated his present Imperial Majesty to conclude a Treaty for evacuating *Catalonia*, of which Treaty Her Majesty was Guarantee, without any express Stipulation for the *Catalan* Liberties, the Emperor relying on Her Majesty's Declaration to interpose for them in the most effectual manner, and though Her Majesty frequently declar'd, she

thought

" thought Her self under the strongest Ties of Ho-
 " nour and Conscience so to do, yet he the said Earl
 " having amus'd and deceiv'd the said distress'd *Cata-*
 " *lans*, with groundless Hopes of Her Majesty's In-
 " terpositions, and encourag'd them thereby to a
 " more obstinate Defence of their Territories against
 " the Duke of *Anjou*, did treacherously Advise the
 " Conclusion of the Treaty with *Spain*, without pro-
 " viding for the Security of the Liberty of the *Ca-*
 " *talans*, and did further give Advice to Her Ma-
 " jesty to send Sir *James Wisheart* with a Squadron
 " of Men of War, to favour the Duke of *Anjou* in
 " the Siege of *Barcelona*. Thus was the Honour of
 " the *British* Nation always Renown'd for the Love
 " of Liberty, and for giving Protection to the di-
 " stress'd Assertors of it, most basely prostituted, and
 " a free and generous People, the faithful Allies of
 " this Kingdom were betray'd in the most unpa-
 " rallel'd manner into irrecoverable Slavery; and in
 " consequence of his most perfidious Councils, the
 " most execrable Hostilities, Burnings, and Plunde-
 " rings, were committed upon them throughout the
 " whole Province, without sparing the Effusion of
 " Innocent Blood, and without the Distinction of
 " Age or Sex, and that unfortunate People were af-
 " terwards forc'd to undergo the utmost Miseries of
 " a Siege in their Capital City of *Barcelona*, during
 " which, great Multitudes of them perish'd by Fa-
 " mine and the Sword, many of them have since
 " been Executed, and great Numbers of the Nobi-
 " lity of *Catalonia*, who for their Constancy and
 " Bravery in Defence of their Liberties, and for
 " their Services in Conjunction with Her Majesty
 " and Her Allies, had in all Honour, Justice, and
 " Conscience, the highest Claim to Her Majesty's
 " Protection, are now dispers'd in Dungeons through-
 " out the *Spanish* Dominions, and not only the *Ca-*
 " *talans* Liberties extirpated, but by those wicked
 " Councils of him, the said *Robert* Earl of *Oxford*,
 " &c. *Catalonia* it self is almost become Desolate.

Answer

Answer to the Twenty second Article.

He does believe the said Mr. *Mitford Crow* was impower'd to treat with the *Catalans* in the Queen's Name, and to give Royal Assurances of Her procuring the Confirmation of their Rights, in case they renounc'd Subjection to the Duke of *Anjon*, and submitted to King *Charles III.* He admits there was a Declaration of the same Tenour sent by the Earl of *Peterborough*, but denies that it was prepar'd by his Privy ; he believes some of the *Catalans* did join their Arms with Her Majesty's against the present King of *Spain*, but he does not know what Motives induc'd them to it. He acknowledges, that for some time Her Majesty's Arms were attended with considerable Successes, that in the Course of the War, that Bravery of the *Catalans* appear'd, and that the Forces of the Confederates 'twice enter'd the Capital City of that Kingdom, for which signal Conquests, and the great Supplies sent them, they were under the highest Obligations of Gratitude to Her Majesty, but the Advantages of those Successes being lost, the Burthen of that War become intolerable, and the Conquests of *Spain* for the present Emperor impracticable, and after his Accession to the Empire, esteem'd inconsistent with the Interests of many of Her Majesty's Allies, she thought it necessary for the good of Her People to enter into a Negotiation for a General Peace. He denies he enter'd into any Conspiracy with the *French* Ministers, to subject the *Spanish* Monarchy to the House of *Bourbon*, or destroy the *Catalan* Rights and Priviledges, or that the King of *Spain* was acknowledg'd before the Peace by his Advice, but that it will appear by the Secretaries of States Letters, that the Lord *Lexington* was peremptorily order'd to insist on the Confirmation of them, nor does he believe any Orders were sent him to recede from that Demand, or that he ever did recede from it. And
if

if from any Measures of the *Catalans*, or his Imperial Majesty, Her Majesty's Endeavours had not their full Effect, he conceives it cannot be imputed to any neglect of Her Majesty, or want of Duty in him. He believes Her Majesty was Guarantee of the Emperor's Treaty for evacuating *Catalonia*, but denies that the Emperor was forc'd to that Treaty by any Practices of his, and is ignorant why his Imperial Majesty, whom it most concern'd, omitted to make positive Stipulations for the Liberties of the *Catalans* : It will appear from Her Ministers repeated Instances, that Her Majesty's Interpositions in their Favour were not wanting, that she obtain'd an Amnesty for them, the full Possession of their Estates and Honours, and a grant of the same Privileges with the *Castilians*. Thus if they had not all the Privileges they pretended to, they had in Compensation the Advantage of Trading directly to the *West-Indies*, and other Privileges to which they were never before Entitul'd. That the House of *Peers* thank't Her Majesty for what she had obtain'd for them, which probably had been more, if they had not incens'd King *Philip* by the most obstinate Rebellion ; he says, he never amus'd the *Catalans* with any Expectation, nor engag'd them in any obstinate Defence, nor advis'd Her Majesty to make a Peace without securing their Privileges, or to send Sir *James Wisheart* into the Mediterranean, nor knows his Orders and Instructions.

I do not insert the *Conclusion*, because the main Substance of it is already included in some or other of the Answers to the Articles against him. It is written in a Manner and Stile, which the Earl seems to be entirely unacquainted with, and appears to be of the same Make with *Sacheverel's* wicked Speech to the *Lords*, wherein the Three *Doctors* that made it for him, impos'd so far on that bad Man's Conscience, as to make him call God to Witness, he
meant

meant nothing ill to the *Revolution*, the *Ministry*, the *Toleration*, &c. That this Work may be as perfect as possible in so narrow a Compass, we will give

An Abstract of the Conclusion of the Earl of Oxford's Answer.

‘ **H**E hopes he has fully answer’d all the Articles, and avers that he is not Guilty of any of them in the manner charg’d against him. He prays, the Expression may be excus’d on Account of his Indisposition. He observes most of the Articles relate to the Treaty of *Utrecht*, and that he lies under great Difficulties, because most of the Facts were transacted with Ministers of Foreign States, who cannot be produc’d as Witnesses; That in Treaties with Enemies, Arguments are us’d, which carry a different Appearance from the real Intention of those that Treat; that the Negotiation of those Transactions cannot be duly clear’d but by inspecting all the Letters and Papers relating to them, and comparing Passages together, which Papers and Letters the House of *Commons* are in Possession of, and he could not have a Copy of them; that the House of *Commons* have, by these means a fuller Light in these Matters than ever any Parliament had, but he by being destitute of them lies under great Disadvantages, he hopes, therefore, no Proofs are expected from him, that can only be drawn from those Papers, nor that the Articles will be admitted to be made good, unless supported by unquestionable Evidence. He submits it to consideration, whether in an Affair where the Advice of all the Queen’s Ministers was taken, he can with any token of Equity be made answerable for giving it; he further observes, that whatever was charg’d upon him, was done in the Reign of a Gracious Princess. He grieves that any thing should be suggested which seems to lay a Stain upon Her Character; that every thing was communicated

' nicated to Her, and maturely consider'd by Her ;
 ' that she was highly satisfy'd with Her Conduct
 ' towards Her Allies and Her Subjects ; that she had
 ' done more to carry on the War than she was
 ' bound to do ; that a good Peace might once have
 ' been had ; that our Victories brought more charge
 ' upon us ; that she could not continue the War on
 ' the Foot it stood a Year longer ; that Her Allies
 ' refusing to continue it, as oblig'd by Treaties, she
 ' was out of Pity to Her People forc'd to hearken
 ' to overtures of Peace from *France*, without relying
 ' on the vain Hopes of getting any thing by pro-
 ' tracting the War ; that indeed she had for some
 ' time carry'd it on with such Hopes to the glory
 ' of Her Arms, but did not think that Glory a suffi-
 ' cient Recompence for the Miseries of Her People,
 ' which inclin'd Her to a Just, Safe, and Honoura-
 ' ble Peace ; that Her Counsellors thought it their
 ' Duty to second Her good Intentions, and obey Her
 ' Commands. That the Duke of *Parma* said, *If*
 ' *France were to be got only by reducing its Towns, the*
 ' *World would be sooner at an End than such a War.*
 ' That the Queen seem'd to be of the same Opinion,
 ' and 'twas Her Goodness to secure a Peace before
 ' Her Enemies found out the Impossibility on Her
 ' side of carrying on the War ; that *France* apply'd
 ' first to Her, own'd Her Title, and acknowledg'd
 ' the Protestant Succession ; that what concern'd
 ' the Allies, was manag'd as all Confederacies have
 ' ever been. All things when ripe were communi-
 ' cated to them, all just Pretensions supported, all
 ' reasonable Satisfaction obtain'd, and larger Advan-
 ' tages procur'd for *Great Britain* than ever had
 ' been before. He appeals to the *Lords*, whether all
 ' the Ends of the War were not fully attain'd,
 ' whether Experience does not shew, that *France*
 ' and *Spain* are effectually separated, and whether
 ' any other Expedient could have done it so well,
 ' whether the Ballance of Power be not secur'd, and
 ' whether the Treaty did not make way for His
 ' Majesty's

Majesty's peaceable Possession of the Throne, whether our Wealth and Trade have not encreas'd by it; he takes Notice, that the Terms were agreed to by Parliament, the Peace mightily approv'd, and Thanksgivings made for it in the Churches of *England* and *Holland*, and that Her Majesty receiv'd Addresses upon it. How then can he be justly charg'd with betraying the Interests of his Country, and the Allies by a Peace, which then was and still is acceptable and advantageous to these Kingdoms; he conceives it a Hardship, that rough Draughts towards a Negotiation tending to so just and profitable an End, should be brought into so many distinct Articles against him, and supposing in so nice an Affair any improper Steps had been taken, which he denies, yet if things were conducted to a right Issue, there can be no just Ground to find fault with the Measures. Especially since never was Peace made, which gave less Occasion of Jealousy to Confederates, he Hopes, no Steps approv'd by the Wisdom of former Parliaments, shall be accounted Criminal by this, unless it appears they were contrary to the Queen's Orders, and made with corrupt Views, on which Account he knows no Body justly chargeable. That none of those concern'd in the Peace endeavour'd to skreen themselves by any Indemnity, which they might easily have obtain'd; that he is in few Articles charg'd with the Breach of the *British* Laws, but mostly suppos'd with Infractions of Treaties, which is cognizable by the Laws of Nations only, and not to be prosecuted, but on Complaint of some Prince or State pretending to be injur'd, which he does not know that any of the Powers concern'd have made, on the contrary, he believes all the Allies, except the Emperor, made the Peace when the Queen did, and never complain'd of any Hardship in it. That the Princes of the Empire, who contributed little to the War, might have Sign'd on reasonable Terms when the Queen did, if the Em-

' peror would have done it ; that it is no new thing
 ' for Emperors of *Germany* not to sign with their
 ' Confederates, witness the Treaties of *Munster*,
 ' *Nimeguen*, and *Ryswick*, and he submits it to Con-
 ' sideration, whether the Emperor, who had all rea-
 ' sonable Satisfaction, according to the grand Al-
 ' liance, had any just Reasons to complain of the
 ' Queen's Ministry, and that they did not insist up-
 ' on Impossibilities for him, especially since he never
 ' offer'd to Reimburse what the Queen was out on
 ' his Account, and had fail'd in his Quota. But
 ' whether he or any one else had Cause of Complaint,
 ' the Earl insists upon it, that it should have been
 ' signify'd to the Queen, who upon Examination of
 ' their Conduct might have clear'd or punish'd Her
 ' Ministers, nothing of which was done, and the
 ' silence of those Powers is a Justification of those
 ' Ministers. He observes, that the other Powers had
 ' as much right to Communication as the States-
 ' General, that the States were more Interested in
 ' the War than *England*, that *England* paid a greater
 ' Share of the Expence, and it was reasonable the
 ' Queen should take Care of the Interests of Her
 ' Subjects, and since the Advantages she obtain'd for
 ' them were no prejudice to the States, it was as
 ' lawful for Her to negotiate the Matter, without
 ' communicating it originally to them, as it was for
 ' Her, and the States afterwards to concert their
 ' mutual Interests together, without the express Par-
 ' ticipation of the other Allies, that the *Dutch* Mi-
 ' nister offer'd several times to lead the way in the
 ' most difficult part of the Negotiation for a share
 ' of the *Assiento*, that the Queen esteem'd the Con-
 ' clusion of the Peace to be the greatest Happiness
 ' of Her Reign, that his Opinion was always for
 ' *Tournay*, remaining as it now does, and doubts not,
 ' but what has lately happen'd in *France*, with re-
 ' spect to the Renunciation, will make good the
 ' Queen's Character of that Expedient, That it would
 ' execute it self, and therefore whoever advis'd this
 ' Method

Method of separating the Two Crowns, promoted the Welfare of *Great Britain*, and the good of Christendom. The said Earl, with the Assurance of an Innocent Man, begs leave to repeat that in this and all other Affairs of State, he acted to the best of his Skill and Judgment, with sincere Desires and Intentions to serve the Publick, &c.

The rest is a Panegyrick on himself and Queen *Anne*, and the Prevarications and Evasions of this Conclusion are exactly of a piece with the Answers to the Articles against him. It is said, a certain Prelate took on him to model the Stile of it, but whether it was the work of one Man or more, it still preserves admirably well the Spirit of the Earl whom they assisted, and shews that the Consciences of his Friends were of the same Extent with his own. The Answer and Conclusion being read in the House of Lords, they order'd it to be enter'd in their Book. On *Wednesday* the 7th of *September*, they sent a Message to acquaint the Commons, That the Earl of Oxford and Earl Mortimer had put in his Answer to the Articles of Impeachment exhibited against him for High Treason, and other High Crimes and Misdemeanours, and to deliver to the House a True Copy thereof. Upon which the Commons order'd, that the said Answer be read upon Friday Morning next, but it was put off 'till the Monday following the 12th of *September*, where it was read accordingly. The Earl of Oxford's Friends, whose Party was now encreast by the Friends of all the Criminals, and the Cause made one as soon as they found the Parliament was in earnest, would not let the Matter go off without a Debate, though there was so little Room for it. At the opening of this Debate, Mr. Walpole among other things said, He had not yet had time to peruse and examine the Answer, but that he now heard it read with a great deal of Attention, and in his Opinion it contain'd little more than what had been suggested in favour of the late Measures, in a Pamphlet intituled, The Conduct of the Allies, and repeated over
and

and over in the Papers call'd the Examiner. That the main Drift of this Answer seem'd to prove these two Assertions, First, That the Earl of Oxford had no share in the advising and managing the Matters mention'd in the Articles against him, but that the late Queen did every thing; and Secondly, That the late Queen was a Wise, Good, and Pious Princess, that if the second Proposition were not better grounded than the first, the Reputation of that excellent Princess would be very precarious, but as every Body must own Her to be a Good and Pious Queen; so it was notorious, that the Earl of Oxford, as Prime Minister, was the chief Adviser, Promoter, and Manager of the Matters charg'd upon him in the Articles. And therefore his Answer was a false and malicious Libel, laying upon his Royal Mistress the blame of all the pernicious Measures he had led Her into against Her own Honour, and the good of his Country. That he hop'd, the Earl endeavouring to screen himself behind the Queen's Name would avail him nothing; that 'tis indeed a fundamental Maxim of our Constitution, that Kings can do no Wrong, but that at the same time 'tis no less certain, That Ministers of State are accountable for their Actions, otherwise a Parliament would be but an empty Name; the Commons should have no Business in that Place, and the Government would be Absolute and Arbitrary; That though the Earl had the Assurance to averr, that he had no share in the Management of Affairs that were transacted while he was at the Helm, yet he pretended to justify the late Measures, and therefore in that respect his Answer ought to be lookt upon as a Libel on the Proceedings of the Commons, since he endeavour'd to clear those Persons who had already confest their Guilt by their Flight.

Mr. Shippen, famous for disowning his being an Evidence, with respect to the late Horrid Conspiracy against King George in so publick a manner, as Proclaiming it at the Royal Exchange when it was at the full, this Mr. Shippen, I say, undertook again
the

the Vindication of his Patron the Earl of *Oxford*. He said, ' It would not become him to defend the Earl's Answer, since as a Member of that Honourable Assembly, he was become one of his Accusers : But that he could not forbear wishing, that this Prosecution might be dropt, and that the House would be satisfy'd with the Two late Acts of Attainder. That this wish of his was the stronger, because one of the principal Reasons that induc'd the *Commons* to Impeach the Earl of *Oxford* subsisted no longer, the Affairs of *Europe* having receiv'd a sudden Turn by the Death of the *French* King, whereby the Renunciation of King *Philip* began to take place in the Advancement of the Duke of *Orleans* to the absolute Regency of *France*. Mr. *Ayslaby* answer'd, ' He hop'd 'twas to little purpose, the Gentleman who spoke last endeavour'd to move the Pity and Compassion of the House, and perswade them to drop this Prosecution. That this was not a proper time to Examine and Reply to the Earl of *Oxford*'s Answer, and therefore he would content himself with saying in general, that it was a Contexture of the Shifts, Evasions, and false Representations contain'd in the *Three Parts of the History of the White Staff*. That as to what had been suggested concerning the Event, which seem'd to strengthen the Renunciation, he did not deny there might be something in it, which was manifest from the great Joy the well-affected to the Government had shewn on this Occasion, and from the Mortification and Despair that appear'd in the Faces of a certain Party ; but that after all it could not be ascertain'd, that the Renunciation was in Force, that there was a vast Difference between the *Regency* and the *Crown*, that time only would decide that Matter, but that even supposing that King *Philip*'s Renunciation should at last take place, yet the same would not justify the Ministers, who propos'd and laid it as the Foundation of the late Peace, since they with whom they

‘ they Treated were so frank and so sincere as to tell
 ‘ them, it could never be Valid by the fundamental
 ‘ Laws of *France*’. Several other Members spoke
 in this Debate, which being over, it was

Order’d,

‘ That the Answer of *Robert Earl of Oxford* and
 ‘ *Earl Mortimer* be referr’d to the Committee ap-
 ‘ pointed to draw up Articles of Impeachment, and
 ‘ prepare Evidence against the Impeach’d Lords.

‘ That the said Committee do prepare a *Replication*
 ‘ to the said Answer.

Accordingly on *Friday* the 16th of *September*, *Robert Walpole*, Esq; Chairman of the said Committee, reported the said *Replication*, which he read in his Place, and afterwards deliver’d it in at the Table, where the same was read, agreed to, and *Order’d* to be engrost. On the 19th of *September* the engrost *Replication* was read, and it was

Order’d,

That the Lord *Coningsby* do carry the same to the Lords, which his Lordship did accordingly.

The Commons REPLICATION to
 the Answer of *Robert Earl of Oxford* and
Earl Mortimer.

‘ THE Commons have consider’d the Answer of
 ‘ *Robert Earl of Oxford* and *Earl Mortimer*,
 ‘ to the Articles of Impeachment exhibited against
 ‘ him, by the Knights, Citizens, and Burgessees in
 ‘ Parliament assembled; and do with Astonishment
 ‘ observe, That the said Earl, instead of given a Rea-
 ‘ sonable and Pertinent Answer, to the Just and Hea-
 ‘ vy Charge brought against him, by the Commons of
 Great

Great Britain, has presum'd not only to deny his
 Advising and being concern'd in any Matters of
 State, in the Articles charg'd against him; though
 confess'd to be under an Administration, wherein he
 was notoriously the First Minister and Chief Di-
 rector: But has also join'd therewith, a False and
 Malicious Libel; laying upon his Royal Mistress
 the Blame of every thing, which, by Imposing upon
 Her, he had effected against her Honour, and the
 Good of his Country; Thereby attempting to re-
 flect upon the Honour and Justice of the House of
 Commons, and to cast an Odium upon their Pro-
 ceedings against him, as tending to asperse the Me-
 mory of the late Queen.

But the Commons are of Opinion, that if it were
 possible to add to the heavy Load of Guilt, in which
 the Treasons, and other most flagitious Crimes,
 committed by the said Earl, have already involv'd
 him; this base and ungrateful Attempt, to impute
 them to his Royal Mistress, must bring such a new
 Weight of Infamy upon him, and so justly provoke
 the Indignation of the Commons, that they might
 think themselves oblig'd to demand Your Lordships
 immediate Justice, for this unwarranted Attempt
 upon the Honour of the late Queen, and the Pro-
 ceedings of Parliament.

But the Commons being sensible, that the Trea-
 sons and other Crimes whereof the said Earl stands
 Impeach'd, and the Necessity of bringing him to
 speedy and exemplary Justice, require that all Oc-
 casions of Delay should be avoided; and not doubt-
 ing that Your Lordships will in due time vindicate
 the Honour of the late Queen, and of the Commons
 of *Great Britain*, and the Justice of their Proceed-
 ings; The Commons do Aver their Charge against
 the said Earl of *Oxford* and Earl *Mortimer*; for
 High Treason, and other High Crimes and Misde-
 meanours, to be true; and that the said Earl is
 guilty of all and singular the Articles and Charges
 therein respectively contain'd, in such manner as he

stands Impeach'd; and that the Commons will be ready to prove their Charge against him, at such convenient Time as shall be appointed for that Purpose.

It has been observ'd, that the late *Ministers* could not plead Ignorance to excuse the Malignity of their *Ministry*. They were often put in Mind of the several destructive Steps they were taking, and told as much in both Houses of Parliament as we find in the Charges against them, but they valu'd it not. The wicked Book call'd, *The Conduct of the Allies*, suppos'd to be written by *St. John*, and the vile Paper the *Examiner*, of which he was also sometimes the Author, were fully answer'd by the *Medley*, and the four Parts of the *Allies and the late Ministry defended*. It is no new thing to the late *Managers*, to hear themselves call'd Traytors to their Country. They expected doubtless to be Impeach'd for it, if ever the *Protestant Succession* took Effect, and for that Reason it was they endeavour'd to prevent it. 'Twas hop'd Mr. *Prior* would have dealt fairly and candidly by the Committee, but it seems he did not forget the many Thousand Pounds the Earl of *Oxford* had paid him, and after he was in Custody, he by means of an indulgent Keeper, had Conferences with the Earl, wherein, no doubt, he gave him some Assurances which encourag'd him to stand it out to the last. The Report from the Committee relating to *Prior's* Behaviour in that matter says, during his first Confinement, *He met and conferr'd with the Earl of Oxford, and his nearest Relations and Dependants*. He confest he did so, and that was one of the chief Reasons of the Motion for his closer Confinement.

To have an exact Idea of the great Honesty and Integrity of this blessed Family of the *Harley's*, one must have Recourse to the Report of the Committee of Secrecy relating to the Examination of Mr. *Thomas Harley*, the Earl of *Oxford's* Cousin and Emis-
sary

sary, which is not to be parallel'd in Story. Never did Man brave Modesty in that manner, and so impudently pretend to impose Contradictions on Men of Sense and Penetration.

On the 19th of *August* Mr. *Walpole* reported from the Committee of Secrecy, ' That the said Committee having, pursuant to the Orders and Powers given to them by this House, proceeded to examine ' *Thomas Harley*, Esq; (who was sworn by such Members of the said Committee, as are Justices of Peace for the County of *Middlesex* and City of *Westminster*.) And the Committee conceiving that ' the said Mr. *Harley* had very much prevaricated ' in his Examination, the said Committee had directed, That some Extracts of Letters relating to the ' said Mr. *Harley* (which gave Occasion to the said Examination) and likewise a Copy of the Deposition of Mr. *Harley*, should be laid before the ' House; which he read in his Place, and afterwards ' deliver'd in at the Table, where the same were ' read, as follows:

*Extract of a Letter from Mr. St. John to the
Lords Plenipotentiaries at Utrecht, the 16th
of February 1711-12.*

THOUGH I have a great deal more to say, in order to explain clearly to Your Lordships the present Situation of the Queen's Domestick Affairs, and the Measures which she proposes Your Lordships should pursue towards effecting your great Work, under all the Difficulties which are thrown in the Way, than can be contain'd in the Compass of a reasonable Letter; yet I should by this Messenger have enter'd into all that Detail, had not the Resolution been taken of finally instructing Mr. *Harley* on *Monday*, in the view of dispatching him on *Tuesday*.

It were to be wish'd, that this Gentleman could have been sooner sent both to *Utrecht* and to *Hanover*; but the Hurry which we have been for some time in is inexpressible, and he was too useful to be spar'd, 'till the House of Commons was perfectly secur'd to the Queen's Interest, and to the Measures of Peace. I think I may say they are absolutely so now.

Your Lordships will have this Matter fully open'd to you by Mr. *Harley*.

Extract of a Letter from the Lords Plenipotentiaries to Mr. Secretary St. John the 5th of March 1712, N. S.

YOUR Favour of the 16th past, under your own Hand, gives us Hopes of seeing Mr. *Harley* here very soon, and of receiving by him such Orders as may enable us to fix on something more certain than hitherto we could do.

Extract of a Letter from Mr. Secretary St. John to the Lords Plenipotentiaries, the 4th of March 1711-12.

I Find Your Lordships, in the Private Letter of the Fifth of this Month, which you honour'd me with by *Couchman*, under some Impatience for the Arrival of Mr. *Harley*. And I am very far from wondering at you for it, since, in your present Situation, you run the risque of having the Game taking out of your Hands by others, and are in no sort able to play it on your selves.

This evil Circumstance will now be very soon cur'd. Mr. *Harley* goes away to morrow, and Your Lordships will be much better inform'd of the Queen's Intentions

Intentions by what he will have the Honour to say to you, than you could possibly have been by ten Reams of written Instructions.

Extract of a Letter from Mr. St. John to Monsieur de Torcy, Secretary of State to the French King, the Fourth of March 1711-12, O. S.

I Should be asham'd, Sir, to have so long deferr'd answering your Letters, if I did not believe I was able to alledge in my Justification a good Reason, and which you will not disapprove. In a Word, I was willing to write to you with Certainty, and for that end I was oblig'd to stay till the Ministers of the Emperor and of the Republick of *Holland* had more openly shewn their Game, till the necessary Dispositions were made among our People: and in short, till the Queen had taken the only Resolution which could bring us, in a little Time, to a good and solid Peace.

I have now the Satisfaction to tell you, That this Resolution is taken, and that Mr. *Harley* will set out, this Evening, or to morrow Morning, with the Final Instructions of the Queen to her Plenipotentiaries.

You will give me Leave to refer my self to the *Sieur Gaultier* to explain to you more at large the Subject of this Gentleman's Commission, and what the Queen hopes His *Most Christian Majesty* will do to co-operate with her.

Extract of a Letter from Mr. St. John to the Lords Plenipotentiaries, the Twenty Sixth of March 1712.

MR. *Harley* is, I make no Doubt, long before this, with Your Lordships, and I hope he has fully explain'd the Queen's Desires and Views to you, at least

least he is as amply instructed in them as I am able to inform him. The Conduct of this Matter is in so good Hands, that I am hopeful an answerable Event may be expected.

Extract of a Letter from the Lords Plenipotentiaries to Mr. St. John, the 6th of April, 1712.

MR. *Harley* has been here these Three Days, and Yesterday Mr. *G——r* came to see us, having arriv'd the Night before.

Extract of a Letter from the Lords Plenipotentiaries to Mr. St. John, the 8th of April, 1712.

OUR last of the 6th acquainted you, that some People had been disappointed that Day in their Expectations of breaking this Congress, which we hope may be carry'd on, and produce the good Effects intended.

That Evening, after he had receiv'd ample Informations from Mr. *Harley*, and also spoken with Mr. *Gaultier*, we had a long Conference with the *French* Plenipotentiaries upon the Project that was sent you the 22d, whereof we again inclos'd a Copy, with such Remarks as, after all we could urge, the *French* Ministers insisted on.

The 15 per Cent, they will by no means allow to extend to other Goods, than such as come into *Spain* in order to be transported into *America*.

Mr. *Harley* thinks it may be requisite to let fall that whole Pretension, and settle Commerce on the Foot it stood in the Time of King *Charles* the Second of *Spain*; and that the only Use we need make of the
Fifteen

Fifteen *per Cent*, is to get something for it another way, which we shall be glad to hear from you, for in that Case our Work with the *Dutch* will become a good deal easier.

Copy of the Examination of *Thomas Harley* Esq; taken before the Right Honourable *Hugh Boscaiven*, Esq; Comptroller of His Majesty's Household, and One of His Majesty's Justices of the Peace for the County of *Middlesex*, at the Committee of Secrecy.

THE Examinant saith, That when he first was sent abroad in or about March 1711-12, he was sent by the Queen's express Commands, who was pleas'd to speak Her self very particularly to him: That her Majesty order'd the Secretary of State to make such Powers as were necessary to be given to him, but would make it easy to him, and without any Formality: That Directions were given for full Powers, which this Examinant left in the Office, where he thought they would be most safe: That he never receiv'd any Powers, nor ever saw them, but at his own Choice went abroad without Powers: That the Queen order'd that this Examinant should have an Account of the State of Affairs, to be communicated by him to such Persons as he was to discourse with abroad: That he receiv'd from several Offices several Papers relating to the Revenue, and other Matters touching the then Situation of Affairs, from which the Queen was pleas'd to order him to inform himself as well as he could, that he might be able to explain himself when he went; and, in particular, when he came to the Hague, he was to give the Pensionary an Account of the State of Affairs, and to use the best Arguments he could to hasten the Peace; but he does not know whether he has any of those Papers now by him, and does not remember that

that he had any particular Instructions for himself, except from those Papers, but what he receiv'd from the Queen's own Mouth, the Particulars whereof he cannot at present charge his Memory with, except as abovemention'd: That he did not produce at the Hague, or at Utrecht, any Credential Letters from the Queen or any of Her Ministers: That he had no Orders to transact or negotiate any thing relating to the Peace with any Foreign Minister; and that he did not transact or negotiate any thing relating to the Peace with any Foreign Minister; That he did not, to his Knowledge, carry over any Plan, Project, or Scheme of a Peace; and that he did not transact any thing at Utrecht with Abbot Gaultier, nor confer with him either there or before he went from England: That he does not remember he had any Orders from the Queen, or any of Her Ministers, relating to the Fifteen per Cent. and that he doth not remember that he did signify any Orders to the Queen's Plenipotentiaries concerning it; and that he does not remember any thing at all about the Fifteen per Cent: That he staid in Holland till he had the Queen's Order to go forward, signify'd by the Secretary of State: That he receiv'd several Letters, whilst he was abroad, but from whom in particular he cannot remember; and that he wrote several Letters, but to whom he cannot remember; and that he doth not know that he has either Copies or Originals of any Letters that he either wrote or receiv'd: That he had no settle Allowance or Appointment, but at his going over the first time he spent his own Money, which the Queen was afterwards pleas'd to order should be allow'd him: That the first time he went abroad he receiv'd under Three Thousand Pounds, and in both Journies together he receiv'd in all about Five Thousand Five Hundred Pounds; and that what he receiv'd, the Queen order'd for his Expences and the Trouble he had been at: That no Body negotiated any Money for him upon the publick Account but Mr. Decker, and that he does not remember that he had any publick Money but for his own Expence, which did not in
the

the whole exceed the Sum of Five Thousand Five Hundred Pounds.

Jurat 21 Junii 1713.

Coram me

T. Harley.

Hugh Boscawen.

After the Reading of this Report, the Commons order'd, First, 'That *Thomas Harley*, Esq; now in 'Custody of the Serjeant at Arms attending this 'House, having prevaricated when he was examin'd 'at the Committee of Secrecy, (pursuant to the Order 'of the 15th of *June* last) be committed Prisoner to 'the Prison of the *Gate-House*, and that Mr. *Speaker* 'do Issue his Warrants accordingly, 2dly, That the 'Report from the Committee of Secrecy relating to the 'Examination of *Thomas Harley* Esq; be printed.

Mention being made of the Memorial the double Earl wrote the Queen in the Seventeenth Article, I shall here incert it at large; It will not only shew how upright and how dextrous he was in his Conduct, but how elegant in his Stile, and how clear in his Sentiments.

May it please Your Majesty,

'I Presume, in Obedience to Your Royal Com-
'mands, to lay before Your Majesty a State of
'Your Affairs. Tho' I have very much contracted it
'from the Draught I made, and the Vouchers from
'whence it is taken; yet I find it swell under my
'Pen in Transcribiug, being willing to put every
'Thing before Your Majesty in the clearest Light my
'poor Understanding can attain to. It was necessary
'to lay it before Your Majesty in the Series of Time,
'from the beginning to this present Time; and when
'that is compleatly laid before You, it remains only
'for me to beg God to direct Your Majesty.

'And as to my self, do with me what You please;
'place me either as a Figure or a Cypher, displace
'me or replace me, as that best serves Your Majesty's
O Occasions,

‘ Occasions, You shall ever find me, with the utmost
 ‘ Devotion, and without any Reserve.

M A D A M,

Your most Dutiful, most Faithful, most Humble,

most Obedient Subject, and Unworthy Servant,

O X F O R D.

*A Brief Account of publick Affairs since Aug.
 the 8th, 1710, to this present 8th of June,
 1714. To which is added, The State of Af-
 fairs Abroad, as they relate to this Kingdom;
 with some humble Proposals for securing the
 future Tranquility of Her Majesty's Reign,
 and the Safety of Her Kingdoms.*

‘ H E R Majesty on the 8th of *August* 1710. was
 ‘ pleas'd to alter Her Treasury, and two Days
 ‘ after, in a New Commission, *Robert Harley*, by Her
 ‘ Majesty's great Favour was made Chancellor of the
 ‘ *Exchequer*. The State of Affairs at Home and A-
 ‘ broad are fresh in every ones Memory.

‘ The Condition of the Treasury at that Time was
 ‘ laid before Her Majesty in a large Representation.
 ‘ I beg leave to touch some few Heads. The Army
 ‘ was in the Field; no Money in the Treasury; none
 ‘ of the Remitters would Contract again; the Bank
 ‘ had refus'd to lend a Hundred Thousand Pounds
 ‘ to Lord *Godolphin* on very good Security; the Na-
 ‘ vy, and other Branches of Service, Eleven Millions
 ‘ in Debt, which enhanc'd the Price of every Thing
 ‘ proportionably; the Civil List in Debt about Six
 ‘ Hundred Thousand Pounds, and the Yearly Income
 ‘ too little for the Current certain Expence, by the
 ‘ lowest

' lowest Computation, One Hundred Twenty Four
 ' Thousand, Four Hundred Ninety Five Pounds,
 ' Two Shillings and Four Pence. In a few Days
 ' this New Commission, made Provision for pay-
 ' ing the Army by the greatest Remittance that
 ' had ever been known: Though the Opposition
 ' from every Office, which was full of Persons
 ' who were Enemies to the Change made by the
 ' Queen, was very strong, and very troublesome and
 ' vexatious; and such was the Situation of Affairs,
 ' that nothing but great Patience could ever have
 ' overcome these Difficulties; it being impossible as
 ' well as unavoidable to make Removes, but by De-
 ' grees. As soon as it was possible, (and notwith-
 ' standing the Clamours then rais'd, it was the only
 ' proper Time) a New Parliament is call'd. Its first
 ' meeting was *November* the 27th, 1710, *Robert Har-*
 ' *ley* had prepar'd the Funds ready (before the Parlia-
 ' ment met, as he has done every Session to this Day)
 ' not only for the Current Service of the Year, both
 ' by Sea and Land, but also for easing the Nation of
 ' above Nine Millions of Debt. This was thought so
 ' Chimerical when *Robert Harley* did begin to open
 ' it, that it was treated with Ridicule, until he
 ' show'd how practicable it was. It is true, this
 ' gave great Reputation Abroad, and enabled to
 ' treat advantageously of a Peace: *It rais'd sinking*
 ' *Credit at Home*, but at the same Time as it drew
 ' Envy upon *Harley* from some, and the Rage of
 ' others, so it gave Offence to some of his Fellow
 ' Servants, who told him plainly that he ought
 ' to have told his Secret, and if he would not get
 ' Money himself, he ought to have let his Friends
 ' share a Hundred Thousand Pounds, which would
 ' not have been felt or found out in so vast a Sum as
 ' Nine or Ten Millions. To this Principle was ow-
 ' ing the setting on Foot at this time *the unhappy*
 ' *Voyage to Canada*: To all which Meetings *Harley*
 ' avoided coming, and gave Lord *Rocheſter* his Rea-
 ' sons, and after he desir'd his Lordship to be a

Means to the Queen to hinder that Expedition ; but
 it happen'd to be too late. But Lady *Masham* knows
 how much *Harley* was concern'd at it, though he
 did not know the true Spring of that Voyage, which
 will appear after in this Paper. The beginning of
 February 1710 11, there began to be a Division a-
 mongst those call'd *Tories* in the House, and Mr.
 Secretary *St. John* thought it convenient to be
 Listing a separate Party for himself. To prevent
 this, Lord *Rocheſter* and *Harley* desir'd to have a
 Meeting, and to cool such rash Attempts ; and it
 was contriv'd Mr. Secretary *St. John* should invite
 Us to Dinner, (which was the last Time he ever
 invited *Robert Harley*, being now above Three
 Years) where was the Duke of *Shrewsbury*, Earl
Poulet, Lord *Rocheſter*, and others ; and Lord *Ro-*
cheſter took the pains to calm the Spirit of Di-
 vision and Ambition. *Harley* was at this time
 seiz'd by a violent Fever, and on his first co-
 ming Abroad, March 8. met with a Misfortune
 which confin'd him many Weeks. The Transactions
 during that Time are too publick, as well as too
 black, for *Harley* to remember or to mention. In
 the End of May 1711. the Queen, out of her *abound-*
ed Goodness, was pleas'd to confer undeserv'd Ho-
 nours on *Robert Harley* ; and on the 29th of the same
 Month, was pleas'd to put the Treasurer's Staff in-
 to his Hands : A Post so much above *Harley's* Abili-
 ties to struggle with, that as he had nothing but *In-*
tegrity and Duty to recommend him to her Majesty's
 Choice ; so he must have recourse to Her Majesty's
 Transcendent Goodness and Mercy to pardon all his
 Faults and Failings, both of Omission and Commis-
 sion, during the whole Course of his Service. But
 to return and resume the Thread of this Discourse :
 The 4th of June 1711, Three Days after the Trea-
 surer was sworn, he was surpriz'd with a Demand
 of Twenty Eight Thousand Thirty Six Pounds
 and Five Shillings, for Arms and Merchandize, said
 to be sent to *Canada*. When the Treasurer scrupled
 this

' this, Mr. Secretary *St. John* and Mr. *Moor* came
 ' to him with much Passion upon this Affair ; and a-
 ' bout a Fortnight after, the Secretary of State sig-
 ' nify'd the Queen's positive Pleasure to have that Mo-
 ' ney paid ; and accordingly Her Majesty sign'd a
 ' Warrant *June 21.* and the Treasurer not being able
 ' then, with all his Precaution, to discover further
 ' Light, the Money was paid *July 4th 1711.* Since the
 ' Return from that Expedition, the Secret is disco-
 ' ver'd, and the Treasurer's Suspicion justify'd :
 ' *For the Publick was cheated of above Twenty Thousand*
 ' *Pounds.* There is Reason to be more particular up-
 ' on this Head, because it is one of the Things never
 ' to be forgiven the Treasurer ; and Lord Chancel-
 ' lor told him more to that Purpose ; that they told
 ' him no Government was worth serving, that would
 ' not let them make those Advantages, and get such
 ' Jobbs.

' One thing more is crav'd leave to be added, That
 ' the Treasurer was forc'd to use all his Skill and
 ' Credit to keep the House of Commons from examin-
 ' ing this Affair last Parliament. *June the 12th 1712.*
 ' the first Session of last Parliament ended. From
 ' this time, to the beginning of the next Session, *The*
 ' *Treasurer's Hands were full of Negotiating the Peace*
 ' *in all Courts abroad ;* and besides the ordinary and
 ' necessary Duty of his Office at home, he had fre-
 ' quent Occasion of Calming the Quarrels and
 ' Grudges Mr. Secretary had sometimes against Lord
 ' *Dartmouth*, sometimes against Lady *Masham*, and
 ' sometimes against the Treasurer himself. The Se-
 ' cond Session of the last Parliament began *December*
 ' *the 7th, 1711.* This was attended with great Dif-
 ' ficulties and Dangers, as well from the Practices of
 ' the Discontented here, as the Designs carry'd on by
 ' Mr. *Buys*, Prince *Eugene* and *Bothmar* ; in which
 ' Designs concurr'd the Emperor, and other States
 ' and Princes who gain'd by the War. This put her
 ' Majesty under a sort of Necessity to preserve the
 ' whole, and to take a Method which had been us'd
 ' before

' before to create some New Peers. So many having
 ' been brought formerly out of the House of Com-
 ' mons of those who us'd to manage Publick Affairs,
 ' it was propos'd to Mr. Secretary, That if he would
 ' be contented to stay in the House of Commons that
 ' Sessions, Her Majesty would have the Goodness to
 ' create him a Peer, and that he should not lose his
 ' Rank. The Second Session ended the 21st of June,
 ' 1712; and notwithstanding *Bothmar's* Memorial,
 ' and all other Attacks both from Abroad and at
 ' Home, Supplies were provided, and every Thing
 ' relating to the Publick put upon a good Foot, and
 ' the Male-contents began to despair as appear'd by
 ' the Duke of *Marlborough* retiring Abroad, and o-
 ' ther Particulars. After the Session was ended, the
 ' Queen, as She had promis'd, Order'd a Warrant
 ' for Mr. Secretary *St. John* to be a Viscount;
 ' this happen'd to put him in the utmost Rage against
 ' the Treasurer, Lady *Masham*, and without sparing
 ' the Greatest. It did avail very little to tell him, how
 ' much he had got in Place; for had he been created
 ' with the other Lords, it would have fallen to his
 ' share to have come next after Lord *Trevor*; but
 ' the Treasurer with great Patience bore all the Storm,
 ' of which Lord *Masham* was often a Witness of the
 ' Outragious Speeches; and Mr. *Moor* very lately
 ' told the Treasurer, that Lord *Bolingbroke* said very
 ' lately to him, that he ow'd him a Revenge upon
 ' that Head. This Discontent continu'd, until there
 ' happen'd an Opportunity of sending him to *France*;
 ' of which there was not much Occasion; but it was
 ' hop'd, that this would have put him in good Hu-
 ' mour; which it did, until in *October* 1712, there
 ' were Knights of the Garter made. This created a
 ' new Disturbance, which is too well remember'd,
 ' and breaks out now very often in Outrageous Ex-
 ' pressions publickly against all then made. In *No-*
 ' vember, on the Death of Duke *Hamilton*, he was
 ' much against Duke *Shrewsbury's* going, for Reasons
 ' very plain, which then were in Negotiation; for
 before,

' before the last Session of that Parliament began, a
 ' new Model was fram'd or a Scheme of Ministry;
 ' which how they afterwards came to fall out, will
 ' appear in its due Place. The third and last Session
 ' began *April* the 9th, 1713; which was as soon as
 ' the Peace was concluded, and could be Proclaim'd.
 ' It is not decent to take Notice, *That during this*
 ' *whole Negotiation, the Treasurer was oblig'd by his*
 ' *own Hand, and his own Charge, to Correspond in all*
 ' *the Courts concern'd in the Negotiation; and very*
 ' *often he had the good Luck to set Right several Mi-*
 ' *stakes, and to obtain some Things very little expected;*
 ' *but the only Merit of this belongs to Her Majesty,*
 ' *the Credit of whose Favour brought it about, and gave*
 ' *Power to the Treasurer to act with Success.* During
 ' this Session, the Lords of the Cabinet, and Others,
 ' met every *Saturday* at the Treasurer's in Order to
 ' carry on the Queen's Business, as they had done the
 ' Year before on *Thursdays*. Many Offers were
 ' made, and repeated by the Treasurer, in order to
 ' attack former Offenders, and quiet the Minds of
 ' the Gentlemen, and of the *Church Party*; and the
 ' only Reason for this Failing, was because of the
 ' Project laid for their New Scheme, and putting
 ' themselves at the Head, as they call'd it, of the
 ' *Church Party*. This being the last Session of Par-
 ' liament, and some Gentlemen fearing their Electi-
 ' ons, and some for other Reasons, dropt the Bill of
 ' Commerce. The Treasurer saw this Opportunity,
 ' and immediately took it, and prevail'd with Sir
 ' *Thomas Hammer*, and Others, to come into the
 ' Payment of the Civil List Debts, incurr'd before
 ' the Change of the Treasury, though the present
 ' Treasurer was rail'd at, and malign'd; which he
 ' chose to bear patiently, rather than own the true
 ' Reason, that there was no Money to do it with,
 ' which would have ruin'd all at once. This Step of
 ' paying the Debts, put the Malecontented into the
 ' utmost Rage, which they did very publicly ex-
 ' press in both Houses. This last Session of that Par-
 ' liament,

'liament, and the Third since the Change of the
 'Ministry, ended *July* the 16th 1713. The Peace
 'with *France* being over, and it growing necessary
 'to put Her Majesty's Affairs into a further and more
 'settled Regulation, and to ease the Treasurer of
 'the Burthen, as well as Envy, of such a Bulk of
 'Business ; Her Majesty was pleas'd to approve of
 'the Scheme of the Duke of *Ormond's* staying here
 'to attend the Army Affairs, which was necessary
 'at the time of Disbanding ; Duke *Shrewsbury* to go
 'to *Ireland*, upon his Return from *France* ; Lord
 'Findlater to be Chancellor of *Scotland* ; Lord *Mar*
 'Third Secretary ; Lord *Dartmouth* Privy-Seal,
 'and Mr. *Bromley* Secretary of State, and Sir *Wil-*
 'liam *Wyndham* Chancellor of the *Exchequer*. I am
 'sure the Queen very well remembers the *Rage* this
 'caus'd, as perfectly *Defeating their Scheme*, and
 'shewing that Her Majesty would put Her Affairs
 'upon a solid Foot ; the Lord Chancellor said it was
 'against Law, and to this Day will not treat Lord
 'Findlater with Decency ; and Lord *Mar* has met
 'with many ill Treatments as well as Mr. Secretary
 '*Bromley*. But that the Treasurer might leave them
 'without Excuse, and make Her Majesty's Affairs,
 'if possible, easy with, and to those in Her Service ;
 'as soon as he was recover'd enough to write, he
 'wrote a large Letter to Lord *Bolingbroke*, contain-
 'ing his Scheme of the Queen's Affairs, and what
 'was necessary for Lord *Bolingbroke* to do, as be-
 'longing only to his Province. This Letter was
 'dated *July* the 25th 1713, and was answer'd *July*
 'the 27th by Lord *Bolingbroke* ; the Copy was shown
 'to Lady *Masham*, who came to visit the Treasurer
 'then confin'd to his Chamber ; and she then thought
 'it was a very good one, and what was proper for
 'the Occasion. I believe the Whole would be of
 'Use to give Light to Her Majesty into the Ground
 'and Foundation of the *Follies and Madness* which
 'have since appear'd ; the Whole is ready for Her
 'Majesty's Perusal when She pleases. In this Letter
 'the

the Treasurer gives an Account to Lord *Bolingbroke*
 of the Occasions, or rather the Pretences for gi-
 ving Disturbance to the Queen's Servants. He
 proposes the Remedy, and what was requisite to
 be done by him as Secretary in his own Province,
 and also Assurance of the Treasurer's Assistance to
 the utmost, and of his Desire to consult with him
 (Lord *Bolingbroke*) how to unite the rest of our
 Friends. Being then sick, the Treasurer took the
 Liberty to put Lord *Bolingbroke* in mind of the se-
 veral Particulars which then requir'd Dispatch, and
 were solely belonging to his Province, without any
 other Interposition than that of taking your Ma-
 jesty's Directions. Among others, that of a Cir-
 cular Letter upon the Addressses of both Houses re-
 lating to the *Pretender*. This was not done in
 Three Months. His Lordship wrote word it was
 done *July 27th*. In the same Letter the Treasurer
 propos'd, That (according to the Treaty of Peace)
 care should be taken of the following Particulars,
viz. Newfoundland, Hudson's-Bay, Acadia, St. Chri-
stophers, Assiento, and others Things contain'd in
 the Treaties of Commerce, These Particulars the
 Treasurer thought to have been executed, until
 within a few Weeks he heard the contrary by Ac-
 cident, and that the Time in the several Treaties
 was elaps'd. Upon this, the Treasurer, on *Wed-*
nesday June the 2d, told Mr. *Moor* of this, and
 that every Body would be liable to blame who are
 in the Queen's Service. *Thursday June the 3d*
1714, Lord *Bolingbroke* writes to the Treasurer a
 Letter, which begins thus :

Mr. *Moor* has been this Morning with me, and
 has put into my Hands a Paper, which he calls, I
 think not improperly, a Charge upon me.

This Paper contains the Neglect above mention'd
 in the Treasurer's Letter of *July the 25th 1713*.
 Eleven Months before, and yet these Faults are now
 charg'd upon the Treasurer.

(106)

Having thus Collected all the Matters preluding to the Earl of *Oxford's* Tryal, we shall continue to make proper Collections from the best Authorities to compleat this Work, and carry it on the whole Length of the Subject.



F I N I S.
